SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

Coordination Proceeding Special Title (Rule 1550(b)), In re Tobacco Cases II	JCCP No. 4042
The People of the State of California, et al. v. Brown & Williamson Tobacco Corp., et al. (SF No. 996781), And People of the State of California, et al., v. Philip Morris Inc., et al. (LA No. BC 194217	Pages 1-123

DEPOSITION OF:
IMADA WONG BY DAVID CHRISTOPHER CHOI
MONDAY, MAY 8, 2000
9:38 A.M.

REPORTED BY:
JARDENE L. PLATT,
RPR, CSR No. 3724

Deposition of IMADA WONG BY DAVID CHRISTOPHER CHOI, taken on behalf of the Defendants at 515 South Figueroa Street, 7th Floor, Los Angeles, California, on MONDAY, MAY 8, 2000, at 9:38 a.m., before JARDENE L. PLATT, RPR, CSR No. 3724.

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271 Amended Notice of Taking Deposition. 15
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274 Print advertising for Baby in Playpen campaign. 46
275 Outdoor advertising for Baby in Playpen campaign. 46
276 Print advertising for You're Not the

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LOS ANGELES, CALIFORNIA
MONDAY, MAY 8, 2000; 9:38 A.M.

DAVID CHRISTOPHER CHOI,
having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. KAPLAN:

Q. Sir, could you please state your name for the record.

A. My name is David Christopher Choi.

Q. Mr. Choi, can you spell your last name for the court reporter.

A. It's spelled C-H-O-I.

Q. Mr. Choi, have you ever had your deposition taken before?

A. No.

Q. Let me take a moment and go through what the process is going to be so that you understand.

This is basically an informal proceeding where I am going to be asking you questions

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and when
I am done, Ms. Martin will have the opportunity to
ask questions and if Mr. Brookey has any questions,
he can ask them of you also, to gather the
information that you have and that Imada Wong has
regarding a lawsuit that's been filed, that's

pending in San Diego County. Okay?
In order to make sure that we get a good
transcript that's usable, let me go through some of
the ground rules that we have.
Do you understand that you have just
taken an oath to tell the truth?
A. Yes.
Q. Do you understand that that's the same
oath that you would give as if you were in a court of
law?
A. Yes.
Q. Do you understand that because we have a
court reporter here who is taking down the words that
are being said, you need to answer questions with
words?
A. Yes.
Q. Do you understand that shakes of the head,
nods of the head, things like uh-huh and huh-huh will
not come out clearly in the transcript?
A. Yes.
Q. When the deposition is completed, the
transcript will be typed up into a booklet and you
will have an opportunity to review the transcript and
make any corrections to your testimony.
Do you understand that?
A. Sure.
Q. I would caution you, however, that if you
make any changes that are substantive, there are a

couple of things that could happen. One, we could ask
to redepose you to find out why there was a change of
substance in your transcript. Those usually happen
when someone answers a question no and then

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changes
the answer to yes. Or any of the attorneys at the trial of this, if for some reason you are called as a witness at the trial, can use the fact that you changed testimony to what is called impeach you at trial or make you look bad.

Do you understand that?

A. Yes.

Q. For that reason I would just ask you to give us your best testimony today. Fair enough?

A. Fair.

Q. During the course of the deposition, I very well may ask you questions that you just don't know the answer to. If you don't know the answer, that's fine. You can tell me. Okay?

A. Okay.

Q. I do not want you to guess at the answer to any question. However, I am entitled to your best estimate. Do you understand the difference between a guess and an estimate? If not, I have a whole bunch of examples I can give you.

A. Yes.

Q. You understand the difference between a guess and an estimate.

A. Yes.

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Q. During the course of the deposition, there may be objections made to a question. Mr. Brookey may object to a question that I ask or there may be a pause in the proceeding. If that happens, the objection is for the court reporter. Unless your attorney instructs you not to answer the question, you will still go ahead and answer the question even if there is an objection.

Do you understand that?

A. Yes.

MR. BROOKEY: With the caveat that, for instance, the objection is based on vagueness and it's otherwise impossible for the witness to answer, then he certainly retains the option to ask counsel

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to
rephrase.
BY MR. KAPLAN:
Q. And that's actually the next issue. I also may ask you a question that you don't understand for some reason. Either I have used a term that you don't understand, I am using a term that you have used but I am using it in a different context. If at any time you don't understand a question, tell me, I will be more than happy to either rephrase or explain to you what it is that I am looking for. Okay?
A. Okay.
Q. This is not an endurance test. If you want to take a break, let me know. You can take a break. You can use the restroom. If you want to get

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up and get coffee, need to make a phone call, just ask and we are more than happy to grant you a break.
A. Okay.
Q. Do you have any questions before we continue?
A. No.
Q. Have you taken any medication in the last 48 hours that affects your memory or you believe would affect your ability to give testimony?
A. No.
Q. Any reason why we can't go forward?
A. No.
Q. Okay. Seated just to your right is Brian Brookey.
A. Yes.
Q. He's an attorney with Preston Gates and Ellis. Is he acting as your attorney today?
A. Yes.
Let me first have marked as Exhibit 270 this document.
(Deposition Exhibit 270 was marked for identification.)
BY MR. KAPLAN:
Q. Sir, let me hand you what has been identified as Exhibit 270.
By the way, the reason we are not

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starting with number one is yours is not the first deposition that's taken place in this case, so we

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will start the exhibits with 270 and work our way up.

A. Okay.

Q. Have you ever seen this document before? Take a minute. It has many pages. Go ahead and just scan through it.

A. Yes.

Q. Do you understand that Exhibit 270 is a subpoena and other documents which is what brought you here today?

A. Yes.

Q. When Imada Wong received the subpoena that's been identified as Exhibit 270, did they look for documents to produce because of that subpoena?

A. Yes.

Q. Who was involved in gathering the documents to respond to the subpoena?

A. Myself.

Q. Was there anybody other than you involved in --

A. No.

Q. -- gathering of those documents?

A. No.

Q. One thing I did forget to mention. The deposition is very conversational.

A. Okay.

Q. Usually when people hold a conversation, they tend to talk over each other. Because we have a

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court reporter here, she can only take down one of us at a time.

A. Okay.

Q. If we could, what we need to do is try to make sure we don't talk over each other. For that reason, you will hear me stop if you start to say something.

A. Okay.

Q. So please do try and let me finish my question before you give the answer.

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A. Okay.
Q. Did Imada Wong produce documents pursuant to Exhibit 270?
A. Yes.
Q. Were all of the documents that Imada Wong produced given to Mr. Brookey's office to then give to the tobacco companies?
A. Yes.
Q. Documents have now been produced that have three different series of Bates numbers on them. Some documents have Bates numbers IMW. Some have IW1 -- some have IMW. Some have IW and some have IW2. Have you reviewed any of the documents once they had the numbers put onto them?
A. No.
MR. KAPLAN: Brian, you may be the best one to answer that, just to speed this along. Documents that have been produced that are Bates stamped IMW, IW and

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IW2, are those the totality of the documents being produced by Imada Wong?
MR. BROOKEY: To date, yes. And I should point out I think the reason there are three prefixes in our efforts to try to get these done with we had more than person working on the Bates stamp numbers.
MR. KAPLAN: I understand. We appreciate that because it did get us the documents faster.
Q. Are there additional documents, Mr. Choi, at Imada Wong that you are planning on producing pursuant to the subpoena?
A. No. Not from the advertising side.
Q. Are there documents which are being gathered to be produced from the public relations side?
A. I believe so.
Q. Do you have an understanding as to what those documents are?
A. No.
Q. Who is it at Imada Wong who is in the

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process of gathering the documents from the public relations side?
A. Lucy Huang.
Q. W-O-N-G?
A. No. H-U-A-N-G.
Q. Do you have an estimate for when those documents would be ready to be produced?
A. I don't.

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MR. KAPLAN: I don't suppose you happen to know, Brian.
MR. BROOKEY: I know they are being worked on and we will get them to you as soon as possible.
MR. KAPLAN: Let me attach as Exhibit 271 this document.
(Deposition Exhibit 271 was marked for identification.)
BY MR. KAPLAN:
Q. Sir, I will attach a couple of documents for the record that we are really not going to talk very much about.
Exhibit 271 is what is called an amended deposition notice. Basically what this did was change the time of your deposition to today.
A. Okay.
Q. And then, sir, let me also mark as Exhibit 272 -- these are a copy of the objections which your attorney served to the deposition notice.
(Deposition Exhibit 272 was marked for identification.)
BY MR. KAPLAN:
Q. Let's go through Exhibit 270 and just take a look briefly at the documents and the request. If you look at Exhibit 270 on the page at the top that says Exhibit B and then you see about a third of the way down a group of numbered paragraphs. Do you see those?

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A. Yes.
Q. Those are the categories of documents which were requested.

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A. Um-hum.
Q. Can you take a look, please, at Category No. 1 and read that to yourself, tell me whether or not Imada Wong did produce all the documents in its possession related to topic one.
A. We produced everything except for public relations.
Q. Can you take a look, please, at Category 2 and tell me whether or not Imada Wong produced all the documents in its possession responsive to that category.
A. Yes, we did.
Q. Could you please review Category No. 3 and tell me if Imada Wong produced all of the documents in its possession responsive to that category.
A. Yes, we did.
Q. If you could please review for me Category No. 4 and tell me if Imada Wong produced all of the categories, all the documents in its possession responsive to that category.
A. Yes, we did.
Q. Could you please review Category No. 5 and tell me whether or not Imada Wong produced all the documents in its possession responsive to that category.

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A. We did.
Q. Could you please review Category No. 6 and tell me whether or not Imada Wong produced all of the documents in its possession responsive to that category.
A. Yes, we did.
Q. Would you please review Category No. 7, which is on the next page, and tell me whether or not Imada Wong produced all of the documents in its possession which are responsive to that category.
A. We did.
Q. When -- do you know whether or not the documents which you produced to -- strike that.
Do you know whether or not the documents

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that Imada Wong produced pursuant to the subpoena and that were given to your attorney were then all given to us? Meaning the defendants.

A. I believe so.

Q. Are you aware of any documents which you gave to your attorney responsive to the subpoena which were not given to the defendants?

A. Which were not given? Yes.

Q. What documents are you aware of that were not given to the defendants.

A. Anything that is not relating to secondhand smoke.

Q. Did you produce documents to Mr. Brookey or to his law firm that did not relate to secondhand

smoke?

A. Can you rephrase that?

Q. Sure. Were there documents that Imada Wong gave to Mr. Brookey's law firm that were not related to secondhand smoke?

A. There were a few.

Q. Is it your understanding that all of the documents which Imada Wong gave to Mr. Brookey or his law firm related to environmental tobacco smoke were given to the defendants?

A. Yes.

MR. KAPLAN: Let's go off the record for just a minute.

(Discussion off the record.)

BY MR. KAPLAN:

Q. Mr. Choi, let me turn your attention in Exhibit 270 to the last page which is identified at the top as Exhibit A. Exhibit A identifies the topics for Imada Wong to produce a witness here today. Can you take a moment and just review that topic for me.

A. Sure.

Yes.

Q. Are you the person most knowledgeable from Imada Wong on the issues covered in the topics identified on Exhibit A?

A. Yes.

Q. Are there any issues in Exhibit A which

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you believe you are not the person most knowledgeable

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from Imada Wong to discuss today?
A. No.
Q. Let me go through a little bit of your background.
A. Okay.
Q. Then we will get into some of the information of Imada Wong.
What is your date of birth?
A. August 22, 1967.
Q. Can you give me a brief synopsis of your educational background?
A. I came to the United States in 1988. Went -- born, raised and educated in Korea. Went to USC to finish out my Bachelor's degree.
Q. And your Bachelor's --
A. In East Asian languages and culture.
Q. You have also have a bachelor of science in business. Correct?
A. No. I don't.
Q. Have you taken credits toward a Bachelor in science and business?
A. What do you mean? Did I take some course work in it? Yes. I sure did.
Q. Was it your intent to get that degree?
A. Yes.
Q. Where did you study in Korea?
A. I studied at Yonsei University.
Q. Y-O-N-S-E-I?

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A. Yes.
Q. What were you studying there?
A. I was studying economics and political science.
Q. When did you receive your Bachelor of Arts in East Asian languages and culture from USC?
A. 1991.
Q. Can you give me a synopsis of your employment since receiving your bachelor's degree?
A. Sure. I worked at the Korean Center in San Francisco as a project manager.
Q. When did you first start working for the Korean Center in San Francisco as a project manager?
A. 92 to 93, I believe.

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Q. Can you just generally explain to me what your job duties were as a project manager for the Korean Center.

A. Sure. First of all, I oversaw the cross-cultural training and consulting program. I also oversaw other activities such as the youth program activities and community events and I was also for a few months working as an intern for Angela Alioto, board of supervisors, San Francisco, during that time.

Q. During your work with the Korean Center in San Francisco --

A. Yes.

Q. -- did you do any work on either

advertising or public relations efforts?

A. I worked on marketing for them of some of their programs.

Q. What kind of marketing did you do to them?

A. Marketed their cross cultural training and consulting program. Marketed their youth program. Marketed their events, special events. Managed the annual dinner.

Q. During the course of your work for the Korean Center in San Francisco, did you have any contact with topics related to tobacco or tobacco use?

A. Can you repeat that? I missed the first part.

Q. Sure. During the course of your work for the Korean Center in San Francisco, did you have any contact with topics related to tobacco or tobacco use?

A. No.

Q. Do you recall whether or not any of the events at which you participated while you were with the Korean Center addressed any tobacco or tobacco use issues?

A. No.

Q. What was your next job when you left the

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Korean Center?
A. I worked at Imada Wong.
Q. When did you first start working for Imada Wong?
A. 93.

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Q. What was your first job title with Imada Wong in 1993?
A. Account supervisor.
Q. Did you have more than one account that you supervised for Imada Wong in 1993?
A. Yes.
Q. What accounts were you supervising in 1993 for Imada Wong?
A. Anheuser-Busch, Hollywood Park Casino, Bank of America. I was overseeing Stormwater, L.A. Recycling. Those are what I can recall. Actually, McDonald's, too. We had a small project that we oversaw for McDonald's hamburger.
Q. In general what were your job duties as account supervisor for Imada Wong in 1993?
A. My responsibility was to maintain client relations, develop marketing plans, suggest ideas for clients.
Q. At some point did your job title change from account supervisor at Imada Wong?
A. Yes.
Q. When did that happen?
A. Can I guess?
Q. Give me your best estimate.
A. Assistant vice president. I believe in 94 or '5.
Q. For how long were you working at Imada Wong before you became an assistant vice president?

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A. About a year to year and a half, I believe.
Q. Was the move from account supervisor to assistant vice president considered a promotion?
A. Yes.
Q. Did your job duties change at any time when you became an assistant vice president?
A. Jobs -- just more responsibility.

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Q. What additional responsibilities did you have once you became an assistant vice president for Imada Wong that you did not have when you were an account supervisor?
A. Nothing much. I was just overseeing the accounts that I mentioned to you.
Q. Were you overseeing them in a different fashion than when you had been an account supervisor?
A. Not that much.
Q. When you were an account supervisor in 1993 until about 94 or so, were you overseeing other people that were working on the accounts?
MR. BROOKEY: I just would like to interject here an objection to this line of questioning on relevance grounds. Mr. Choi is not here as an individual witness. He's representing the corporate entity of Imada Wong and a little bit of background is fine, but I think we have been spending an undue amount of time on this. Again, he can answer a few more questions, but I think we should get to the

topics that are set forth in Exhibit A as soon as we can.
THE WITNESS: What was the question again?
BY MR. KAPLAN:
Q. When you were working as an account supervisor, did you supervise other people?
A. Yes, I did.
Q. When you were working as assistant vice president, did you supervise other people?
A. Yes.
Q. When you were promoted to the job of assistant vice president, did the accounts that you were working on change?
A. No.
Q. Was there some time after 1993 when you started with Imada Wong that you started working on additional accounts other than the ones that you

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listed for us?
A. Yes. Just to preface, before 1995 I was -- our agency was a public relations agency. That was more of what we did, not to say we didn't do any advertising. I came and started the advertising department for Imada Wong. And that started roughly around 95.
Q. At -- I'm sorry, go ahead.
A. And thereon my responsibilities became more towards advertising.
Q. At some point did Imada Wong obtain as a

client the California Department of Health Services tobacco control program?
A. Yes.
Q. When did Imada Wong first receive the tobacco control program as a client?
A. I believe 94 or 95.
Q. Did you have contacts with the tobacco control program project from the time it first came in the door to Imada Wong?
A. Yes.
Q. Were you the person primarily responsible for the administration of the tobacco control program project at Imada Wong from the time it came in?
A. Yes.
Q. When to your knowledge was Imada Wong first organized, first came into existence?
A. 1990.
Q. And it's your understanding at that time it was a public relations firm?
A. Yes.
Q. Prior to 1994 or 1995, did Imada Wong have any activities related to tobacco and tobacco use?
A. Yes. We did.
Q. What is the first time you understand that Imada Wong had contact with a tobacco-related issue?
A. First time? In 94 I was told that we worked on the L.A. County tobacco project.
Q. What work did Imada Wong do for the L.A.

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County tobacco project in 1994?
A. It was a cessation campaign that involved TV, print and radio and outdoor, I believe.
Q. How long do you understand the cessation campaign lasted?
A. All I know is very short. Maybe a few months and that was it.
Q. Who retained Imada Wong for the L.A. County tobacco project?
A. I do not know for sure. I think it was the L.A. County.
Q. Other than the 1994 L.A. tobacco project, L.A. County tobacco project, and the work which Imada Wong did for the California Department of Health Services Tobacco Control Section, has Imada Wong done work on any other tobacco-related campaigns?
A. Can you rephrase that again?
Q. Sure. Other than the work which Imada Wong did for the L.A. County tobacco program and other than the work the Imada Wong has done for the California Department of Health Services tobacco program, has Imada Wong done any other tobacco-related work?
A. Up to the present or --
Q. Up to the present.
A. Yes.
Q. What other tobacco programs has Imada Wong worked on?

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A. We worked with the American Legacy Foundation.
Q. It's your understanding that the American Legacy Foundation is the organization that is administering the funds from the settlement entered into between the tobacco companies and the Attorneys General?
A. Yes.
Q. When did Imada Wong first start working for the American Legacy Foundation?
A. Last year starting October, I believe.
Q. Other than Imada Wong's work for

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the
13 California Department of Health Services
Tobacco
14 Control Section, the L.A. County tobacco
project and
15 the Legacy Foundation, has it done any work on
16 tobacco-related issues?
17 A. From the advertising side? I can
say for
18 sure no.
19 Q. What about from the public
relations side?
20 A. I think we might be working on the
L.A. --
21 some L.A. County project on the PR side. But
I am not
22 involved so I don't know the details.
23 Q. Who would be the person most
knowledgeable
24 at Imada Wong regarding Imada Wong's potential
25 involvement for a L.A. County project from the
public
26 relations side?
27 A. Lucy Huang.
28 MR. KAPLAN: Would you like to go off
the

1 record and step outside?
2 MR. BROOKEY: Yes. Why don't we do
that.
3 THE WITNESS: I'm sorry.
4 MR. KAPLAN: It's quite all right.
5 (The witness and counsel
confer.)
6 BY MR. KAPLAN:
7 Q. When Imada Wong first started
doing work
8 related to tobacco from Department of Health
Services,
9 who do you understand hired Imada Wong?
10 A. Asher & Partners was our lead
agency and
11 so we are a subcontractor to them. So it is
my
12 understanding through them we were hired.
13 Q. Was there a process whereby Imada
Wong
14 pitched its services to Asher?
15 A. Yes.
16 Q. Were you involved --
17 A. Yes.
18 Q. -- in that sales pitch?
19 A. Yes.
20 Q. What was the target market that
Imada Wong
21 was focusing on in its pitch to Asher in the
1994 time
22 period?
23 A. We were targeting first generation
Asian
24 Americans. And when I say first generation,
this

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means those who have immigrated here, not the first to be born here.

Q. So when you are referring to the first generation, you are referring to people who were born

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in an Asian country and came to the United States with the intent of living in the United States.

A. Yes.

Q. When Imada Wong refers to one and a half generation, to what does it refer?

A. What that means is they lived here for a few years, let's say five years or 10 years based on their age, so if you immigrated here when you were 10 years old, we would consider you about one and a half generation.

Q. I take it Imada Wong successfully bid on the project with Asher?

A. Yes, we did.

Q. That's in the 1994 time period?

A. Yes.

Q. Was that for a one-year contract?

A. I don't know if it was a one-year or two-year. I'm not sure.

Q. When the contract was awarded to Imada Wong in the 1994 time period, were there goals established for the nature of the advertising Imada Wong would be putting forth?

A. Can you repeat that.

Q. Sure. When the contract was awarded to Imada Wong in the 1994 time period, were there goals, when I say goals I mean a direction, for the advertising?

A. Yes. There was a direction set forth.

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Q. What was the direction that was set forth for the Imada Wong advertising in the 1994 time period?

A. To focus on secondhand smoke.

Q. Do you understand that if we use the term secondhand smoke or environmental tobacco smoke or ETS we are referring to the same thing?

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A. Yes.
Q. If I use the phrase ETS, are you comfortable with that?
A. Yes.
Q. What was Imada Wong's focus on ETS in the 1994 time period?
A. To focus on educating the Asian community about the dangers of secondhand smoke, especially in the home.
Q. What were the dangers of environmental tobacco smoke that Imada Wong was trying to warn of?
A. That it could cause secondhand smoke -- or ETS could cause various diseases, lung cancer, heart disease, emphysema, bronchitis, asthma.
Q. Other than its focus on environmental tobacco smoke, did Imada Wong have any other areas of concentration in the 1994 time period with respect to its subcontract with Asher & Partners?
A. No. But just to preface, we did not -- actually, no. I'm sorry. I have said the right thing.

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Q. Who was it who determined the direction that Imada Wong would take with respect to its topics?
A. Say that again.
Q. Sure. Who made the decision that Imada Wong would focus on ETS in the 1994 time period?
A. The California Department of Health Services, Asher and our agency after discussing -- after discussion of strategies.
Q. Were there meetings between the Department of Health Service, Asher and Imada Wong to discuss strategies?
A. Yes.
Q. Did you participate in those meetings?
A. Yes.
Q. Can you give me sort of a general overview how the discussions went that boil down to Imada Wong focusing on environmental tobacco smoke?

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A. Sure. We had secondary research. We talked about demographics. We had information that was communicated from the community level telling us that we should be focusing on ETS and that's how we determined. We had the community input as well.

Q. When you say community input, what do you mean?

A. For example, there is a group called APATN, the Asian Pacific American Tobacco Network, and the network -- there is a network for the Asian community and we -- they also gave us feedback in

terms of asking us to focus on this strategy area.

Q. What type of feedback did APATN give you which led Imada Wong and the Department of Health Services and Asher & Partners to want to focus on environmental tobacco smoke?

A. It was not just them. I think it's everybody. But -- I do not know what mechanisms they used to come to that conclusion, but it might have been surveys they might have done maybe to determine that.

Q. What information was conveyed to Imada Wong from APATN that led APATN to believe that environmental tobacco -- strike that. Let me start that question again for you.

What information was provided to Imada Wong from APATN that led Imada Wong to the conclusion that environmental tobacco smoke should be a direction to go in for advertising?

A. Well, it wasn't directly to Imada Wong. It was voiced through the client, which is the California Department of Health Services. They were relaying the feedback from what they have heard from APATN to us.

Q. What do you understand the state heard

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from APATN?
A. That secondhand smoke is a big issue in the Asian community.
Q. Was any information provided to the state

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from APATN or any of the other organizations that they were soliciting for information regarding the Asian community that discussed why environmental tobacco smoke was an issue of importance to the Asian community?
A. I do not know.
Q. Do you have an understanding as to why environmental tobacco smoke was an issue of importance to the Asian community in the 1994 time period?
A. Yes.
Q. What is that understanding?
A. That it was a serious problem in the homes. A lot of children were being harmed by this. We have seen focus group studies that said people were smoking in the homes. And also we did some man-on-the-street interviews that confirmed that smokers were smoking in the home.
Q. Let me hand you a fairly large stack of documents. What I would like you to do -- because of the copying the documents aren't bound and I need to find out which pages belong to the first document.
A. Sure.
Q. I believe they are the pages I have just turned for you.
A. Okay.
Q. If you could do me a favor and confirm that that is in fact one group of documents, that those documents are in fact one document.

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A. Yes.
MR. KAPLAN: Let's go off the record for just a minute.
(Discussion off the record.)
BY MR. KAPLAN:
Q. Let me hand you now what has been identified with the Bates stamp numbers IW201

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through
IW222. And can you tell me, sir, what this document
is?
A. This is a creative brief that we developed
for our client.
MR. KAPLAN: Let me have that document marked
as the next in order.
(Deposition Exhibit 273 was marked
for identification.)
BY MR. KAPLAN:
Q. You have now got in front of you what is
identified as Exhibit 273. What is a creative brief?
A. Creative brief is a document that tells
you how to achieve your objective in terms of
advertising. It's a marketing -- it's a document that
tells the creative people based on a strategy, how a
creative should be implemented.
Q. Are you able to tell from looking at
Exhibit 273 what the time frame was to which it
applied?
A. Yes. This was written in 95.
Q. To your knowledge was this the first

creative brief authored by Imada Wong for the
environmental tobacco smoke program?
A. Yes.
Q. Was this creative brief the document which
Imada Wong used in the implementation of its program?
A. Yes.
Q. Does Exhibit 273 accurately reflect Imada
Wong's intent with respect to the advertising campaign
that it was working on regarding environmental tobacco
smoke in the 1995 time period?
A. Yes.
Q. Am I correct in the 1995 time period the
target audience for Imada Wong's campaign was both
first generation Asian and one and a half generation
Asians?
A. Yes.
Q. In the 1995 time period was it Imada
Wong's intention with their advertising

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campaign to
make smoking in the home a nonacceptable behavior for
the Asian community?
A. Yes.
Q. In addition to its intent to reach first
generation and generation and a half Asians, was it
also Imada Wong's intent to reach youth and young
adults in their advertising campaign in the 1995 time
period?
A. No. We were not focusing on youth. We
were focusing on adults, 18 years and older.

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Q. How did Imada Wong determine the target
groups for its advertising efforts?
A. First we looked at demographics to see the
number of population for each of the segments. That
was one key. Second was secondary resources that we
might have gotten. Also information or feedback from
the community that was relayed to us through the
client. So those were some mechanisms we used --
(At this point JESSICA T. MARTIN,
ESQ. left the deposition proceedings.)
THE WITNESS: -- in 95.
BY MR. KAPLAN:
Q. Did those mechanisms change over time?
A. Yes.
Q. How did those mechanisms change over time?
A. We also incorporated smoking prevalence
information from overseas.
Q. When did Imada Wong start using smoking
prevalence information from overseas?
A. I believe 97.
Q. How did Imada Wong utilize the smoking
prevalence information in its preparation of an
advertising campaign?
A. There is not an accurate measurement for
the Asian market in terms of smoking prevalence
because of the resource. They are not able to test in
language-speaking people. They can't research

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them.
So we did not have an accurate smoking prevalence

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number in our opinion.
For example, the state has a prevalence record that shows for white, Hispanic and African American and then the fourth segment is "others" and others is just wide open. And in 1996 I called somebody at the department and asked how the research was conducted and they said that for the other segment it was conducted in English.
So our assumption was that the prevalence record was not accurate for our market, and to make a point of that and knowing that most of the Asians are first generation, are composed of immigrants, mostly, we wanted to see what the prevalence record might be overseas in China, in Japan, in Korea, in Taiwan and other places. And we found the World Health Organization's prevalence information which is -- we haven't seen the updated numbers yet, but we thought that was a good indication of what the smoking prevalence of the Asian community might be, or least we could take that into consideration. So that is one thing that changed.
Q. Other than the World Health Organization's 1997 data on smoking prevalence in Asian countries, were there any other changes in Imada Wong's analysis to determine its target groups?
A. No.
Q. You indicated that you don't have the new World Health Organization numbers for smoking

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prevalence in Asian countries. Is 1997 the most recent numbers you have?
A. If you look at the numbers, I think it's in your packet, the years vary.
Q. After the demographics and secondary

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sources were reviewed, did Imada Wong play a role in determining the theme of the advertising campaign which it was to put on?

A. It was collaborative. It's always the client as well as Asher and Imada Wong working together to determine strategy. We would recommend strategy areas and we would have a thorough discussion of strategy. Based on our discussion we would focus on particular strategies.

Q. The strategy that Imada Wong ultimately employed was developed in what year?

A. What do you mean?

Q. Imada Wong ultimately employed a strategy to disseminate information regarding environmental tobacco smoke. Correct?

A. Sure.

Q. Has that strategy changed over the years?

A. Yes.

Q. In 1994 what was the strategy?

A. On the home.

Q. When did that strategy change?

A. 97.

Q. What was the strategy in 1997?

A. Talking about the change in social norm.

Q. Did the strategy change at some point after 1997?

A. Yes.

Q. When was the next change?

A. 98, I believe.

Q. What was the strategy in 1998?

A. It hasn't been implemented yet, even 'til this day, because of approvals. But our focus area is smoke-free bar law. Actually, it's 1999. It's not 98. Which is a big issue area in our community.

Q. Other than the change to the focus on smoke-free bars, are there any other anticipated changes in the works?

A. No. Not that I am aware of.

Q. When the strategy was modified in roughly 1997 working toward changing the social norm, did Imada Wong continue with its efforts to warn

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of
environmental smoke tobacco smoke in the home?
A. No.
Q. Was there a complete discontinuation of its program to warn of environmental tobacco smoke in the home when the strategy changed in 1997?
A. No.
Q. When the strategy changed in 1997, what did Imada Wong do to continue to warn people regarding the hazards of environmental tobacco smoke in the home? Strike that. That was not a good question.

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As one of the components of Imada Wong's attempt to change the social norm regarding smoking and environmental tobacco smoke in 1997, did it include a component of the health hazards of ETS in the home?
A. It was very small.
Q. Let me get you to focus in on the 1994 discussions to develop the strategy. You participated in the collaborative meetings?
A. Yes.
Q. Who was at the collaborative meetings from Imada Wong other than you?
A. Vickie Reyes. She's no longer with our agency. Christine Steele.
Q. Now I am just limiting it to Imada Wong people.
A. I'm sorry. That's it. Vickie Reyes.
Q. Who attended those meetings from Asher & Partners or Livingston Associates, Livingston Key?
A. Christine Steele from Asher was there, Bruce Silverman, the then president, was there. I believe Lea Mitchell, the media director, was there. That's all I can recall. There was an account supervisor, but I can't recall their name.
Q. Who was at these meetings from the state?
A. Colleen Stevens. I believe Robin Shimizu was there.

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Q. Can you think of anybody else from the

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state?
A. No.
Q. During the course of these collaborative
meetings, was an advertising campaign developed?
A. Yes.
Q. Did Imada Wong go into the meeting with a
proposed campaign which was then discussed?
A. Yes.
Q. What was the proposal which Imada Wong
first took into the collaborative meetings?
A. Our proposal was that secondhand smoke is
indeed a major problem for the Asian community, that
we need to focus on addressing smoking in the home and
our strategy was to eliminate secondhand smoke in the
home to -- for the health to -- for the health
purposes of loved ones, family, children, especially
children.
Q. How was that strategy received at the
meetings?
A. It was well received.
Q. That became the ultimate strategy that was
employed?
A. Yes.
Q. Who from Imada Wong worked on the creation
of the actual advertisements?
A. I did as well as we had freelance art
director and copy writer.
Q. Who was your freelance art director that

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worked on the advertisement?
A. Werner Kaseman. And -- that was it. An
art director.
Q. Who was your freelance copy writer?
A. Paul Hing, H-I-N-G.
Q. Can you describe for me what the creative
process was in coming up with the first advertising
campaign, the first advertisements in 1994?
A. Based on the creative brief that we gave,
the art director and the copy writer would

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come up
with rough ideas, and based on the rough ideas that I
reviewed, I would tell them to fine-tune ideas and
then we would submit the final ideas to the client.
Q. What were the rough ideas that you were
working with in the 1994 time period?
MR. BROOKEY: Can we take a break for just one
second? I think we are in kind of some proprietary
stuff. I just want to confirm.
(The witness and counsel confer.)
BY MR. KAPLAN:
Q. Before we went off the record I had asked
you what were the rough ideas that you were working
with in the 1994 time period on the environmental
tobacco smoke campaign. Can you now answer that
question?
A. Yes. It's right in here, in the creative
brief.
Q. So the rough ideas that you were working

with are those contained in Exhibit No. 273.
A. Well, what we did was we just brought the
rough ideas into what you see here. So these were the
ideas, three ideas.
Q. How did you develop the three rough ideas?
A. Well, first of all, we used our creative
brief and we used some of the facts to develop our
ideas, so.
Q. In your creative brief on the pages
beginning Bates No. 8 and going through Page No. 22,
you have got a number of sketch boards and drawings
for television --
A. Print.
Q. -- print and radio.
A. Yes.
Q. Who developed those rough ideas?
A. Art director, the copy writer and myself.
Q. When the three of you were working on
developing those ideas, what was the message

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you were
trying to convey?
A. We wanted to focus on the fact that
smoking in the home could be harmful to family and
loved ones, especially children. That was our focus.
Q. Were there any advertising elements that
you were attempting to use in that campaign?
A. I don't understand your question.
Q. For example, were you attempting to
utilize a highly emotional response? Were you

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attempting to utilize a humor as the basis for your
advertising campaign or some other system?
A. We were trying to come up with a very
strong message that could really change people's
attitude about secondhand smoke. So that was our
focus, to come up with something hard-hitting.
Q. Did you utilize any cultural assumptions
in designing the advertising campaign in 1994?
A. Cultural assumptions. Yes.
Q. What were the cultural assumptions you
utilized in designing the advertising campaign in
1994?
A. That Asians are very protective of family
and that family is the most important unit. That
those values translate well in the Asian community.
Q. In 1994 did you utilize any assumptions
regarding the existing level of knowledge regarding
ETS among the Asian community?
A. I don't quite understand what you mean.
Q. When you designed the advertising campaign
in 1994, did you make any assumptions regarding the
base level of knowledge among the Asian community
regarding ETS?
A. Yes. We made an assumption.
Q. What was that assumption?
A. That their understanding of the dangers of
secondhand smoke was low.
Q. Did you have any information to

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substantiate that assumption in the 1994 time period?

A. As I said, based on the feedback we heard from the community that was relayed through us to the client as well as intercept studies that we did.

Q. What are intercept studies?

A. We would go out to the street and ask people questions. So we did a small intercept study.

Q. Roughly how many people did you interview for the intercept study?

A. Interviewed about 15 people. 20 people, sorry.

Q. What were the results of that interview?

A. They said they smoke in their homes and they found that secondhand smoke was just a nuisance to others. They were not aware that secondhand smoke was dangerous, the people we talked to.

Q. In the 1994 time period were a series of advertisements ultimately created?

A. No.

Q. When did Imada Wong produce its first advertisements regarding --

A. 1995.

Q. So in 1995 Imada Wong released its first advertisements regarding ETS.

A. Yes.

Q. What advertisement was that?

A. Baby in Playpen.

Q. Was that a release both in video and

print?

A. It was on TV, radio, print, outdoor.

MR. KAPLAN: Let me have this next document marked as Exhibit 274.

(Deposition Exhibit 274 was marked for identification.)

BY MR. KAPLAN:

Q. Let me hand you what has been identified as Exhibit 274. Can you tell me what those pages are.

A. These are the print advertising for Baby

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in Playpen.
MR. KAPLAN: Let me have the next document marked as Exhibit 275.
(Deposition Exhibit 275 was marked for identification.)
BY MR. KAPLAN:
Q. Can you tell me what Exhibit 275 is.
A. This is the outdoor and bus shelter for Baby in Playpen.
Q. With the exception of the fact that it's photocopied instead of the original, do the advertisements identified on Exhibit 274 accurately represent the Baby in Playpen print advertisements released by Imada Wong?
A. Yes.
Q. Can you identify for me, sir, what languages the Baby in Playpen print was released in.
A. It was in Chinese, Korean, Vietnamese,

Japanese, Tagalog, or Tagalesh. I believe these two are Thai and Cambodian.
Q. Can you identify the numbers on the sides of the documents for the two you just mentioned.
A. I cannot. I do not know the -- oh. 0010 and 0011.
Q. I'm sorry, sir, I interrupted you.
A. And then English.
Q. Is it your understanding that each of the print advertisements identified on Exhibit 274 did in fact run in some print media somewhere in the State of California?
A. Yes.
Q. Turning your attention to Exhibit 275, can you identify for me what languages the outdoor and bus shelter advertisements for the Baby in Playpen campaign were in.
A. Sure. Korean. The bus shelters are in Vietnamese. Another Vietnamese outdoor. English outdoor, but we never ran the English outdoor. We have some that were combined, Korean and Chinese. I

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don't know which language this is, with Chinese. Another language with Vietnamese. Another language with Chinese. These are all dual billboards. Do I need to go through each one of them?

Q. That's okay. With the exception of the English outdoor billboard, did the other billboards which are depicted on Exhibit 275 and the other bus

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shelters that are depicted on Exhibit 275, actually get placed somewhere in the State of California?

A. They did.

Q. For how long did the Baby in Playpen campaign run?

A. About a year and a half. Roughly a year and a half.

Q. Do you have an understanding as to how much money was spent placing the Baby in Playpen print advertisements?

A. I don't know the exact figures.

Q. Can you give me a ballpark?

A. I don't know.

Q. Are you able to give me a ballpark figure for how much money was spent for the Baby in Playpen outdoor campaign?

A. I can't recall.

Q. Are you able to give me a figure for the amount spent on the Baby in Playpen radio campaign?

A. No.

Q. Can you give me a figure for the Baby in Playpen television campaign?

A. I don't know.

Q. Can you give me a figure for the total cost spent on the Baby in Playpen campaign?

A. When you say cost, what are you referring to?

Q. The total amount of money spent to place

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the advertisements.

A. No. I do not know the exact amount.

Q. Can you give me a ballpark?

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A. I don't know.
Q. Do you know how much money Imada Wong received for the creation and placements of the Baby in Playpen campaign?
A. Are you talking about production or --
Q. Let me back up. When Imada Wong received its funds through the subcontract it had with Asher & Partners, was the contract price inclusive of placement expenses?
A. Yes.
Q. How much money did Imada Wong receive through its subcontract for the Baby in Playpen campaign?
A. I don't know the exact amount.
Q. Can you give me an estimate?
A. A little over half a million.
Q. At the time that the Baby in Playpen campaign was just going into production for distribution, were there other campaigns that Imada Wong was working on?
MR. BROOKEY: Objection. It's vague and ambiguous.
MR. KAPLAN: I'm sorry. That was a bad question.
Q. At the time in 1995 when the Baby in

Playpen campaign was first being released into the media, was Imada Wong working on other advertising campaigns related to environmental tobacco smoke?
A. No.
Q. In 1995 when the Baby in Playpen campaign was first being released into the general media, was Imada Wong in the creative process for the development of another environmental tobacco smoke warning campaign?
A. No.
Q. When did Imada Wong begin the creative process for the development of another environmental tobacco smoke warning campaign after the Baby in Playpen campaign?
A. 97.
Q. What was that campaign?

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A. It was the public awareness campaign.
Q. And that was the campaign you described earlier as intending to change the social norm regarding smoking?
A. Yes.
Q. Under the warning campaign for environmental tobacco smoke, were there any other advertisements which were generated by Imada Wong?
A. Say that again.
Q. Sure. Let's do it this way. Let me hand you another stack of documents we will mark as Exhibit 276.

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(Deposition Exhibit 276 was marked for identification.)
MR. KAPLAN: And another set which we will mark as Exhibit 277.
(Deposition Exhibit 277 was marked for identification.)
BY MR. KAPLAN:
Q. Sir, can you identify for me what Exhibit 276 contains.
A. It's the print ad for You're Not the Only One Being Harmed campaign.
Q. Did the You're Not The Only One Being Harmed campaign ever get released?
A. Yes.
Q. When did it get released?
A. I believe in 96.
Q. Did you work on You're Not The Only One Being Harmed campaign?
A. Yes.
Q. Did you develop the advertisements?
A. Yes.
Q. Do you consider the You're Not The Only One Being Harmed campaign to be directed at environmental tobacco smoke?
A. Yes.
Q. Other than -- let me then also have you identify for me what Exhibit 277 is.
A. It's the print ad for You're Not The Only

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One Being Harmed. I'm sorry. 76 is right here.

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Q. Can you --
A. 77.
Q. Yes.
A. We have the outdoor ads for You're Not The Only One Being Harmed in the various languages.
Q. Did the You're Not The Only One Being Harmed billboards and bus shelter advertisements get placed in the State of California?
A. Yes.
Q. Did the You're Not The Only One Being Harmed print advertisements get placed in the State of California?
A. Yes.
Q. How much money did Imada Wong receive through its subcontract with Asher for the You're Not The Only One Being Harmed campaign?
A. I do not know.
Q. Can you --
A. Or I can't remember.
Q. Can you give me an estimate?
A. No. I don't know. It was a very small and short campaign.
Q. Other than the Baby in Playpen campaign and the You're Not The Only One Being Harmed campaign, were there any other campaigns that Imada Wong generated regarding environmental tobacco smoke?
A. Let's see. No.

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MR. KAPLAN: Let me hand you what we will mark as Exhibit 278.
(Deposition Exhibit 278 was marked for identification.)
MR. KAPLAN: And 279.
(Deposition Exhibit 279 was marked for identification.)
BY MR. KAPLAN:
Q. Sir, can you identify for me what Exhibit 278 is.
A. It's the public awareness campaign titled "Gas Mask."
Q. When was the Gas Mask campaign released?
A. 1997, I believe.
Q. In your opinion is the Gas Mask campaign

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designed for environmental tobacco smoke?
A. Yes.
Q. And Exhibit 279 is the outdoor and bus shelter advertisements from the Gas Mask campaign?
A. Yes. I only see outdoor.
Q. To your knowledge did the Gas Mask campaign run on bus shelters?
A. Yes.
Q. How much money did Imada Wong receive for the creation and placement of the Gas Mask campaign?
A. I can't recall.
Q. Other than Baby in Playpen, You're Not The Only One Being Harmed and Gas Mask, were there any

other advertising campaigns that Imada Wong created regarding environmental tobacco smoke?
A. I can't recall.
Q. Let me run through some campaign names with you and let me know what you recall from that.
A. Okay.
Q. Do you recall an advertising campaign called Take It Outside?
A. Oh, yes. Yes.
Q. When did the Take It Outside campaign first begin?
A. 1999.
Q. And what did the Take It Outside campaign consist of?
A. It was a TV and radio campaign designed for the general markets.
Q. Did the Take It Outside campaign address environmental tobacco smoke?
A. Yes.
Q. Can you describe for me what the Take It Outside campaign was.
A. It's a secondhand smoke commercial informing people who smoke in bars that they shouldn't be smoking in bars because it's against the law to smoke in bars in California.
Q. Do you recall how much money Imada Wong received for the Take It Outside campaign?
A. To produce it?

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Q. Yes.
A. For which --just the TV or --
Q. However you can break it down.
A. I would say TV and radio combined, maybe around 300,000. Around 300,000.
Q. Let me hand you what we will identify as Exhibit 280.
(Deposition Exhibit 280 was marked for identification.)
BY MR. KAPLAN:
Q. Sir, can you identify for me what Exhibit 280 is.
A. Yes. It's a production bid that we received to produce the television spot for Take It Outside.
Q. And how much did Imada receive for the production of Take It Outside?
A. The production costs, including agency commission, was $272,196.
Q. And that amount included the production costs, the money to be paid to Imada Wong for its services and the placement of the ad on television?
A. Not for the placement. We do not handle placement for this ad.
Q. Who handles the placement for the Take It Outside campaign?
A. I do not know.
Q. Are you familiar with a company called

Rogers & Associates?
A. Yes.
Q. What is your understanding as to what Rogers & Associates does?
MR. BROOKEY: Objection. Vague and ambiguous and overly broad, but he can answer.
THE WITNESS: It's a PR agency and we have a working relationship with them. Our PR side works with Rogers & Associates.
BY MR. KAPLAN:
Q. Has Rogers & Associates ever placed advertisements for Imada Wong?
A. Not to my knowledge.
Q. Do you have any information

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regarding how
frequently the Take It Outside campaign --
A. No. Not at all.
Q. -- ran?
Where would I find that information?
A. You would have to call the California
Department of Health Services.
Q. Do you have information regarding --
strike.
How would I find out where the Baby in
Playpen campaign was aired?
A. How would you --
Q. How would I find out how many billboards
were put out, how many times the spot ran on
television, things like that?

A. I don't know if California Department of
Health Services has copies, and I think we submitted
what we have.
(Recess taken.)
(At this point JESSICA T. MARTIN,
ESQ. entered the deposition proceedings.)
BY MR. KAPLAN:
Q. During the break, Mr. Choi, I asked you to
go through a fairly large stack of documents. Have
you had the opportunity to do that?
A. Yes. I skimmed through it.
Q. Let me have -- let me ask you this: The
way that the documents are presently clipped, do they
deal with different media campaigns?
A. Yes, they do. So they are combined. Some
are.
Q. Were you able to tell when you looked
through if each clip deals with a single campaign or
deals with multiple campaigns?
A. I did not.
Q. Let me go ahead and collectively mark all
of the documents as the next in order.
(Deposition Exhibit 281 was marked
for identification.)
BY MR. KAPLAN:
Q. Let me hand you what has now been
identified as Exhibit 281 and it's a fairly large

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stack of documents. Can you tell me what is comprised

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in Exhibit 281.
A. It consists of broadcast/print insertion orders that we have made on behalf of the Department of Health Services.
Q. What are broadcast insertion orders?
A. When we say broadcast, that means TV and radio.
Q. What are print insertion orders?
A. Those are insertions that we make to print publications.
Q. When you say print publications, you mean newspapers and magazines?
A. Yes.
Q. Does a print publication also include a billboard?
A. No. We refer to that as outdoor.
Q. Do the broadcast insertion orders and print insertion orders that are in front of you in Exhibit 281 indicate where Imada Wong placed advertisements regarding ETS?
A. Yes.
Q. And does each insertion order represent a different placement of an advertisement regarding environmental tobacco smoke?
A. Yes.
Q. Do the insertion orders accurately reflect the location and date where the environmental tobacco smoke advertisement was placed?

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A. I believe so.
Q. Do the insertion orders which are designated as Exhibit 281 accurately identify the campaign whose advertisements were placed?
A. I believe so.
Q. Just as an example, if you take a look at the first page of Exhibit 281, the document at the bottom has a Bates stamp number IW00390. Do you see that?
A. Yes.
Q. That document indicates a date of July 25,

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1995. Correct?
A. Yes.
Q. And the document indicates this is the placement of an advertisement for the California Department of Health Services tobacco control?
A. Yes.
Q. And the document also indicates roughly one-third down it's an insertion order for the Baby in Playpen advertisement. Is that correct?
A. Yes.
Q. And it also indicates just below that that this was a placement of the Baby in Playpen in the Chinese language. Correct?
A. Yes.
Q. Then if we go to roughly the middle of the document, it indicates this was a placement for a full-page and quarter-page advertisement on certain

days in the Los Angeles and San Francisco newspapers. Is that correct?
A. Yes.
Q. And it's your understanding that the Baby in Playpen advertisement was in fact placed in those specific newspapers on the specific dates in Chinese.
A. That's my understanding.
Q. And if we were to go through each of the individual insertion orders in Exhibit 281, is it your understanding that each one accurately identifies the date of order, the name of the campaign, the language of the campaign, the location of placement and the dates of placement?
A. I believe so.
Q. And it's your understanding that the documents accurately reflect each of those specific items.
A. I believe so.
Q. And are the documents which are identified in Exhibit 281 maintained by Imada Wong in its usual course of business as an advertising agency?
A. What do you mean?

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Q. Does Imada Wong routinely handle insertion orders of the type identified on Exhibit 281?
A. Yes. We handle insertion orders.
Q. And have the insertion orders which are identified on Exhibit 281 been maintained by Imada Wong?

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A. Yes.
Q. Are they maintained in Imada Wong's usual business files?
A. Yes.
Q. And when they were removed from Imada Wong's business files to produce in this litigation --
A. Yes.
Q. -- accurate copies were made of them?
A. I believe so.
Q. Who is it who usually maintains insertion orders for environmental tobacco smoke advertisements at Imada Wong?
A. The director of media.
Q. Who was that?
A. Khanh Bach.
Q. Was Mr. Bach the individual who pulled these insertion orders for you?
A. Yes. They are kept in binders, so we just brought the binders out. Anything outside of the binders, we just don't have.
Q. So in order to produce the documents in Exhibit 281, somebody at Imada Wong merely pulled the binders off the shelf.
A. Yes.
Q. It's your understanding those binders are maintained by Imada Wong in the usual course of its business.
A. Yes.

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Q. Let me hand you a group of documents that we will mark as Exhibit 282.
(Deposition Exhibit 282 was marked for identification.)
BY MR. KAPLAN:
Q. Can you identify for me, please, the

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documents in Exhibit 282.
A. These are cancellation memos.
Q. For which advertising campaign?
A. I do not specifically know.
Q. The documents which are identified in Exhibit 282 represent the canceling of the run of certain advertisements?
A. Yes. I believe so.
Q. And do all of those cancellation orders deal with a specific time period?
A. I'm not sure.
Q. If you can take a moment and look at those and tell me whether or not Imada Wong canceled placement of advertisements during the week of November 10 -- for the week of November 1, 1999.
A. Can you repeat your question?
Q. Can you please review the documents included in 282 -- Mr. Choi, could you please review the documents identified in Exhibit 282 and tell me whether or not they all represented cancellation of media buys during the week of November 1 and November 8, 1999.

A. They represent cancellations, but I do not specifically know for what. I can't recall.
Q. As you sit here today do you recall that Imada Wong canceled media buys for the weeks of November 1 and 8, 1999?
A. I can't recall.
Q. As you sit here today do you have a recollection of ever having a large-scale cancellation of a media run for the environmental tobacco smoke program?
A. No.
Q. From where did you obtain the documents in Exhibit 282 to produce them in this case?
A. From my media director.
Q. Is that Khanh Bach?
A. Yes.
Q. Is it your understanding the documents include -- is it your understanding that the documents included in Exhibit 282 came out of one of the binders?
A. Yes.

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Q. And they are maintained in the usual course of Imada Wong's business?
A. Yes.
Q. As you sit here today can you think of any reason why in early November of 1999 Imada Wong would have canceled a series of environmental tobacco smoke advertisements, if it in fact did?

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MR. BROOKEY: Objection. Lack of foundation. Calls for speculation, but he can answer.
THE WITNESS: My guess is that we went over budget on our buys or in our production and that we need to cancel whatever remained in November. November was the end of our campaign or -- the media buy period. It was a few weeks left and we just canceled a few weeks because of maybe production, because we need dollars for production.
BY MR. KAPLAN:
Q. When you say you needed dollars for production, you needed dollars to physically create new advertisements for the next campaign?
A. Yes.
Q. Let me go back, we got a little bit off track, and talk to you about some other advertising campaigns that Imada Wong generated. Do you recall a campaign called Pick It Up?
A. Yes.
Q. What was the Pick It Up campaign?
A. It was a radio campaign that we developed for the general market.
Q. Can you briefly explain to me what the campaign was.
A. It's similar to the Take It Outside campaign. What we did was created that into a radio spot, the idea of it.
Q. What was the overall idea you were

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attempting to campaign in the Pick It Up spot?
A. That smoking in bars is against the law.
Q. When did you begin to run the Pick

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It Up
spot?
A. We only produced the spot.
Q. To your knowledge did the Pick It Up spot
actually run?
A. I believe so.
Q. Did you have an understanding as to when
it first ran?
A. No.
Q. When was it produced?
A. December of 1999.
Q. Who would know whether the Pick It Up
campaign did in fact run?
A. You would have to call the California
Department of Health Services.
Q. Does the Pick It Up or Take It Outside
campaigns address the potential health hazards of
environmental tobacco smoke?
A. No.
Q. Do you recall a campaign called Complete
Pandemonium?
A. No.
Q. Are you familiar with a company called
Complete Pandemonium?
A. Not familiar.
Q. Have you ever heard of a company called

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Complete Pandemonium?
A. Yes.
Q. Did Complete Pandemonium work on the
preparation of any advertisements for Imada Wong?
A. No.
Q. What does Complete Pandemonium do?
A. They are a production company and they
were asked to submit a bid to Imada Wong
Communications Group.
Q. On which campaign?
A. For the Take It Outside campaign.
Q. Were they a successful bidder?
A. No. I think they were too expensive for
us.
Q. Are you familiar with a campaign called
Look at That Guy?
A. Yes.
Q. Radio campaign?
A. Yes.
Q. When did the Look --
A. You know what? Pick Up, let me

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clarify
something, Pick Up was -- we changed the title from
Pick Up to Take It Outside. So I need to reference
that.
Q. When we are referring to the Take It
Outside and Pick Up campaign, we are talking about the
campaign with a couple of young guys sitting at a bar
and one of the gentleman spies an attractive woman

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across the room playing pool and she alluringly leads
him outside past the exit sign and he's smoking and
then closes the door once he's outside?
A. Yes.
Q. And that campaign ran by both the names
Take It Outside and Pick Up?
A. No. The title was changed from Pick Up to
Take It Outside. We just changed the title.
Q. And that campaign ran on television?
A. I believe so.
Q. Did that campaign run on radio?
A. I don't know. We just produced those
spots.
Q. Who would have the information?
A. California Department of Health Services.
Q. I'm sorry. I asked you that question
already.
I think we were talking about the
campaign Look at That Guy. Can you describe that
campaign for me.
A. It's the same idea as the Take It Outside
message. Basically somebody is violating the
smoke-free bar law and one of the persons ushers the
person out.
Q. Has Look at That Guy aired?
A. I don't know.
Q. When was the Look at That Guy campaign
completed? The production completed.

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A. It was produced in 99 and I believe it was
approved in the year 2000.
MR. KAPLAN: Let me have this document marked

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as Exhibit 283.
(Deposition Exhibit 283 was marked
for identification.)
MR. BROOKEY: Can we go off the record for a
second?
MR. KAPLAN: Sure.
(Discussion off the record.)
BY MR. KAPLAN:
Q. Sir, do you have a copy of Exhibit 283 in
front of you?
A. Yes, I do.
Q. Can you tell me what that document is.
A. It's a revised production estimate for the
radio spot Look at That Guy we developed.
Q. What does that document represent?
A. It represents the production coverage as
well as the agency commission to produce this spot.
Q. How much money did Imada Wong receive from
for the production for the Look at That Guy spot?
A. The total production dollars including
agency commission was $10,194.37.
Q. What amount was Imada Wong's commission?
A. $1,529.37.
Q. Are you familiar with a campaign called
Don't You?

A. Don't You.
Q. It would have been a radio spot.
A. No. I am not familiar. Don't You.
MR. KAPLAN: Let me have marked as Exhibit 284
this document.
(Deposition Exhibit 284 was marked
for identification.)
BY MR. KAPLAN:
Q. Let me hand you what has been identified
as Exhibit 284.
A. Yes.
Q. Why don't you take a moment and review
that and see if that refreshes your recollection as to
a radio advertising campaign called --
A. I see. I remember now.
Q. What is the Don't You campaign?
A. It was a similar -- it was the same

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campaign as Look at That Guy, but we decided not to develop this spot.

Q. Why did you decide not to develop the spot?

A. It just didn't sound right. It just didn't feel right.

Q. What about the feel did not seem appropriate for production?

A. I can't recall. It was a quick concept that we submitted and the client changed their mind and decided not to develop the spot. So we had to

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revise it to this spot, Look at That Guy.

Q. Are you familiar with an advertising campaign called Scale?

A. Yes.

Q. What was the Scale advertising campaign?

A. We didn't produce it. It was an ad where a little girl was sitting on a scale and it talks about who is more important, your child or cigarettes.

Q. Did that ever go into production?

A. It was produced, but we did not produce it. Our incumbents, I believe, produced it.

Q. When you say your incumbent, what do you mean?

A. The agency before us.

Q. Who was that?

A. I believe it's Time Advertising.

Q. Are you familiar with an ad campaign called Jungle?

A. Yes.

Q. When was the Jungle ad campaign developed?

A. It doesn't pertain to secondhand smoke. Is it still relevant?

Q. That's true. The Jungle ad campaign deals with smoking cessation?

A. Yes. Okay.

Q. Let me briefly go through. When was it developed?

MR. BROOKEY: I object that it's irrelevant and

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not reasonably calculated to lead to the

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discovery of
admissible evidence. He can answer a couple of
questions.
THE WITNESS: 98.
BY MR. KAPLAN:
Q. That ad campaign did in fact run?
A. Yes.
Q. That ad campaign was also in the multiple
languages that the Baby in Playpen ran in?
A. Not all.
Q. Are you familiar with an ad campaign
called Trip?
A. Yes.
Q. When was the Trip campaign developed?
A. 97.
Q. What was the topic of the Trip campaign?
A. Public awareness.
Q. Public awareness of?
A. Smoking.
Q. Did that also have an environmental
tobacco smoke component to it?
A. Yes.
Q. Do you recall how much money Imada Wong
received for the production of the Trip campaign?
A. No, I do not.
Q. And the Trip campaign did in fact run.
A. Yes.
Q. Is the Trip campaign still running today?

A. No.
Q. I want to go back and talk about a couple
of the campaigns we just talked about that have
environmental tobacco smoke components.
A. Sure.
Q. Let's talk about the Gas Mask campaign.
A. Sure.
Q. Were you involved in development of that
campaign?
A. Yes.
Q. What was the idea you were trying to
convey in the development of that campaign?
A. That smoking in public areas could be a
health hazard to nonsmokers.
Q. Was there a particular creative mode that
was being used in that ad campaign? We had

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talked
earlier, for example, humor, informative.
A. Inform -- we were trying to inform that
smoking and -- that smoking in public areas --
actually, can I see the ad? I can tell you right
away.
The topic is secondhand smoke has harmful
chemicals that could harm people. That's the message.
Q. Was there any particular harm from
secondhand smoke that you were trying to warn of with
the Gas Mask campaign?
A. That there were over 4,000 chemicals in
secondhand smoke, 43 that have been identified as

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being cancer-causing. And to inform the public that
53,000 people die every year from secondhand smoke.
These are nonsmokers. So don't threaten the people
around you with secondhand smoke. That's the message.
Q. Did you contemplate including warnings in
the advertising regarding potential health hazards for
environmental tobacco smoke other than cancer in
designing the Gas Mask campaign?
A. Can you repeat your question?
Q. Sure. You indicated that the Gas Mask
campaign with respect to the diseases that
environmental tobacco smoke can cause -- strike that.
Let me start the question again. I'm sorry.
The Gas Mask campaign specifically
addresses the fact that environmental tobacco smoke
contains substances which can cause cancer.
Correct?
A. Yes.
Q. However, the Gas Mask campaign does not
address the claims that environmental tobacco smoke
can cause diseases other than cancer. Correct?
A. Correct.
Q. Why did you choose to include only
information regarding cancer in the Gas Mask campaign
as opposed to other potential diseases?
A. The real focus of this ad was to inform

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people that there are chemicals in secondhand smoke, of which 43 can cause cancer. So we wanted to focus

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more on the chemicals that can harm people, nonsmokers, so that's why the message was focused that way.

Q. Would it in your opinion have been effective to have addressed other health hazards of environmental tobacco smoke other than cancer in this campaign?

MR. BROOKEY: Objection. Vague and ambiguous. Calls for speculation.

THE WITNESS: Can I take a break? I need to use the restroom.

MR. KAPLAN: Sure.

Q. Can I get an answer to this question first?

A. I don't know. We just developed the -- we wanted to focus on chemicals and the substantiation. We wanted to highlight the fact that 43 can cause cancer. So that's where we kept our message focused. So that's why we focused on cancer in this particular ad. In other ads, I think we talked about other facts.

MR. KAPLAN: We can take a break.

(Whereupon, a luncheon recess was taken at 11:58 A.M.)

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LOS ANGELES, CALIFORNIA

MONDAY, MAY 8, 2000; 12:48 P.M.

EXAMINATION (Continued)

BY MR. KAPLAN:

Q. Mr. Choi, let me shift you over to the Take It Outside television and radio campaign.

A. Yes.

Q. What was the intent behind that campaign?

A. The intent was to educate people that

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smoking in bars was not acceptable because it's against the law.

Q. Was there any health component of that media campaign?

A. What do you mean by that?

Q. Did the health campaign address the fact -- strike that.

In the Take It Outside media campaign, was there a discussion of potential health effects of exposure to environmental tobacco smoke?

MR. BROOKEY: I object vague and ambiguous. Are you talking about the content of the campaign?

MR. KAPLAN: Yes.

MR. BROOKEY: If he understands the question, he can answer.

THE WITNESS: No. It was talking about the social norms of smoking.

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BY MR. KAPLAN:

Q. When you are referring to the social norms, what do you refer to?

A. I refer to the fact that smoking in bars is no longer acceptable in California because it's against the law.

Q. Did the Take It Outside campaign have any component of it which addressed the concept of smoking in bars being improper because in addition to being against the law, it was also unhealthy?

A. No.

Q. Can you describe for me what the Take It Outside campaign looked like?

A. What do you mean?

Q. It was a television and radio spot. How was it structured?

MR. BROOKEY: I object it's vague and ambiguous. And I think there's already been a description of the content of the ad.

BY MR. KAPLAN:

Q. I'm sorry, the Take It Outside was the woman in the bar who plays billiards.

A. Yes.

Q. I'm sorry. How would you classify the creative nature of the Take It Outside

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campaign?
Would you have called it informative, emotional, some other designation?
A. Informed. Informed, yes.

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Q. Was the Take It Outside campaign designed for an Asian market?
A. Yes.
Q. I have seen the video of the Take It Outside campaign, I believe. Are the characters in the campaign Asian?
A. No.
Q. The Take It Outside campaign does not have any spoken words in it. Correct?
A. Yes. No words.
Q. Was there a reason why the Take It Outside campaign was not done with Asian actors?
A. The commercial -- the commercial was designed for the Asian market, but in the focus groups for the Asian market, the concept did not test too well, because it was too westernized. And the client saw the spot and liked it, thought that it would go well in the general market, hence we produced the ad.
Q. I am not certain I understand your answer. I apologize.
A. The original concept was developed for the Asian market. In the focus group it did not test too well.
Q. Allow me to interrupt you and I apologize. You did a focus group with an Asian market of the idea?
A. Yes.
Q. And you found that the Asian market did

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not respond well to the proposed advertisement.
A. Yes.
Q. What was the reason why you found the Asian market did not respond well?
A. Because the dating culture is different in the Asian market than the West.

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Q. Then you addressed that issue with the people at the state Department of Health Services?
A. Yes.
Q. Do you recall who you addressed that issue with?
A. Colleen Stevens, Robin Shimizu, Russ Brown.
Q. What was the ultimate decision that was made as a result of those discussions?
A. Well, the discussion was simultaneous, they wanted us to see if we could produce that spot for the general market, because they liked it and it just happened that I said oh, by the way, in our market it didn't test well. And so -- they said well, you know, we feel like this has an application, more to the -- the general market than the Asian market, so that's why we were asked to produce the spot.
Q. Just to make sure that I have got all of the ad campaigns correct, the campaign titled Look at That Guy was the same campaign as Pick Up which was the same campaign as Take It Outside.
A. Look at That Guy, Pick Up and what was the

third one?
Q. Take It Outside.
A. Yeah.
Q. Those are the three different names for what ultimately became the same campaign.
A. Can you repeat that?
Q. Sure. Was Take It Outside --
A. Yes.
Q. -- Pick Up and Look at That Guy all alternate names for the same media campaign?
A. Pick Up and Take It Outside is for the TV. Look at That Guy is radio.
Q. Can you describe for me the Look at That Guy campaign.
A. It's similar to the TV. It's a radio. Two women in a bar notice a guy smoking in the bar. The idea is she escorts him outside where the

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smoking
section is and we end by concluding that in California
there is a smoking law that prohibits smoking in bars.
Q. What languages were Look at That Guy
produced in?
A. English.
Q. Only?
A. Yes.
Q. Look at That Guy and Don't You were both
alternate names for the same radio campaign?
A. Yes.
Q. Let's talk about the Trip campaign. You

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are one of the people that worked on the development
of that campaign?
A. Yes.
Q. Can you describe for me the process that
you went through to develop that campaign.
A. We identified that the strategy area was
public awareness. Based on that, my art director and
I brainstormed and came up with that concept.
Q. What facet of public awareness were you
targeting with the Trip campaign?
A. Can you repeat that question?
Q. Sure. What were you trying to make the
public aware of with the Trip campaign?
A. That smoking in an enclosed environment
harms people. And that among friends it's not
acceptable to do this.
Q. What harm were you trying to convey could
occur if you smoked cigarettes in an enclosed
environment?
A. Can you repeat the question?
Q. Sure. You had indicated that you were
trying to make the public aware that smoking in an
enclosed environment can harm people.
A. Right.
Q. What was the harm that you were attempting
to notify people about?
A. That it is generally accepted that smoking
is harmful to nonsmokers.

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Q. Was there any specific harm that you were

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focusing on with the Trip advertising campaign?
A. No.
Q. Why did you choose not to focus on any specific harm?
A. We wanted to show that -- that's a good question. Can you repeat the question?
Q. Sure. You indicated that in the Trip advertising campaign you were trying to warn people that smoking in an enclosed environment can cause harm but you also indicated you weren't identifying any specific harm. What I am trying to find out is why you were trying to put out a message regarding generic harm instead of a specific harm.
A. Oh. We were working on other campaigns and we wanted to save costs on voiceover and we thought visually alone it could deliver the message.
Q. Did you believe that the message being delivered was sufficient for your understanding of the goals of Imada Wong in creating this advertisement to address the general harm instead of addressing specific harms?
A. At the time. Yes.
Q. As you look back over the last three years since that advertising campaign was run has that opinion changed?
A. What opinion?
Q. The opinion that it was sufficient to

utilize an advertisement which addressed the general harm of environmental tobacco smoke instead of specific harms.
A. Looking back, no. I wish we could have changed our strategy to focus more on the family.
Q. Similarly to how you had done in the playpen scenario?
A. Yes.
Q. If you had focused on the family as you indicated you might do in retrospect, would you have

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designed a campaign that identified specific harms caused by ETS or would you have stayed with a theme of general harm?

MR. BROOKEY: Objection. Calls for speculation, but he can answer.

THE WITNESS: We would be more specific about some of the harm.

BY MR. KAPLAN:

Q. What are the harms that you would want to include in the advertising campaign?

A. That smoking -- ETS can cause heart disease, lung cancer, emphysema, cause asthma in children, could cause SIDS, that's something we didn't talk about, or that smoking in the home could have -- can adversely affect pregnancy. Those were some areas that we could definitely focus on which we didn't.

Q. Would you try to put all of those facets into a single ad?

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MR. BROOKEY: Objection. Incomplete hypothetical. Calls for speculation, but he can answer.

THE WITNESS: Depends on how we structure our advertising strategy with the client.

BY MR. KAPLAN:

Q. Is Imada Wong presently doing any work -- strike that. The work which Imada Wong did as a subcontractor to Asher & Partners -- strike that.

Was the work which Imada Wong did as a subcontractor to Asher & Partners funded by Prop 99?

A. Yes. I believe so.

Q. Is Imada Wong presently doing any work for the State of California for which they are being paid from Prop 99 funds?

A. I think for the California Department of Health Services Tobacco Control Section. I think we are using tobacco tax money funded from Prop 99.

Q. Is Imada Wong presently a subcontractor to

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Asher & Partners for any smoking-related advertising?
A. Yes. For the California Department of Health Services Tobacco Control Section.
Q. Do you have an understanding as to whether or not Asher & Partners in the year 2000 has a contract with the state for the Prop 99 advertising campaign?
A. For this year.
Q. Yes.

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A. I believe we have an extension, they have an extension with the state.
Q. Do you understand what the time period is for that extension?
A. I can't recall.
Q. Can you give me a ballpark?
A. Don't know the specific dates.
Q. Are you presently working on the development of any new ad campaigns targeted to the Asian market related to tobacco smoke?
A. Yes.
Q. Are those campaigns that are presently in production?
A. Yes.
Q. What are the ad campaigns that you are presently working on related to environmental tobacco smoke?
A. We are working on a campaign that educates the Asian community about the smoke-free bar law that smoking in bars is against the law in California.
Q. Are there any other campaigns which you are presently working on related to tobacco smoke?
A. When you say tobacco smoke, in general?
Q. Yes.
A. Yes.
Q. What are the other campaigns that you are presently working on related to tobacco smoke?
A. It's not related to secondhand smoke.

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Q. I understand. I want to get a total list and then I will go through the other ones.
MR. BROOKEY: I am a little bit

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confused about
the shift in terminology. We are talking about
tobacco smoking synonymous with secondhand smoke or
ETS?
MR. KAPLAN: Let me -- let's draw a finer line.
Q. What ad campaigns is Imada Wong presently
working on with Prop 99 funds?
MR. BROOKEY: I will object. It's overly
broad. It calls for testimony that is not relevant to
the subject matter of this litigation and not
reasonably calculated to lead to the discovery of
admissible evidence. It's beyond the scope of this
lawsuit and it's beyond the scope of the deposition
subpoena. He can answer as to ETS-related issues.
MS. MARTIN: I need a little clarification on
your objection, Mr. Brookey. What exactly is beyond
the scope?
MR. KAPLAN: Anything unrelated to ETS.
MS. MARTIN: Okay.
MR. BROOKEY: I assume the question was meant
to be limited to ETS and he can answer it in that
fashion.
THE WITNESS: I have answered everything you
have asked regarding ETS.
BY MR. KAPLAN:
Q. So the only campaign that Imada Wong is

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presently working on funded by Prop 99 related to ETS
is to educate the Asian community regarding the
smoke-free bar laws.
A. Yes.
Q. Have you suggested to anybody at either
Asher or at the state that Imada Wong should prepare
advertisements specifically related to individual
diseases which are linked to environmental tobacco
smoke?
A. Can you rephrase that or say it again?
Q. Sure. You had indicated a little bit

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earlier that in retrospect, now that you look back at the Trip campaign, you would have designed a campaign more geared toward the family that also addressed the individual health effects related to environmental tobacco smoke. Am I correct?

A. Yes.

Q. Is it your belief still sitting here today that a family-oriented ad campaign that identifies certain specific hazards of environmental tobacco smoke should be designed and promulgated to the Asian community?

A. Yes.

Q. Have you made that recommendation to anybody at Asher & Partners or the state?

A. Yes.

Q. When did you make that recommendation?

A. Beginning of 1999.

Q. Has anybody acted on that recommendation?

A. No.

Q. Who did you make that recommendation to?

A. Colleen Stevens, Robin Shimizu, Russ Brown.

Q. What was their reaction?

A. We had many issue areas that we needed to focus on and we needed to prioritize the different areas and so based on prioritizing, we needed to focus on the fact that there was a big problem with the smoke-free bar law, so that's where we prioritized for this year.

Q. Do you have an understanding as to whether or not the state will authorize your suggestions regarding a family campaign addressing individual health concerns at some point in the future?

A. If we have the resource and funding for our market.

Q. Have you discussed with the state obtaining the funding for the Asian market on these topics?

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A. No.
Q. Do you have any plans to raise those issues with the state?
A. Yes.
Q. When are you next planning on raising those issues with the state?
A. When they determine the next strategy

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meeting.
Q. When is the next strategy meeting set for?
A. I do not know.
MR. KAPLAN: Can I have this document marked next in order, please.
(Deposition Exhibit 285 was marked for identification.)
BY MR. KAPLAN:
Q. Sir, I am handing you a copy of what has been identified as Exhibit 285. Can you take a moment to take a look at the various pages in that exhibit and tell me what that is.
A. This is the media plan between January-April 1999.
Q. Was that the proposed media plan or the media plan which was utilized?
A. I don't know the answer.
Q. What would you need to see on that document for you to know the answer?
A. A client signature.
Q. If there is a media plan which is identified as a draft or recommended but is signed by Colleen Stevens, does that mean it was the final approved media plan?
MR. BROOKEY: Objection. Lacks foundation. Calls for speculation. He can answer.
THE WITNESS: Not necessarily.
BY MR. BROOKEY:

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Q. Can you describe for me the approval process for media plans between Imada Wong, Asher and the state.
A. We develop a media plan. We give the plan to Asher to review. Based on their review and approval, we submit it to the client and the client takes a look at it, reviews it. If there is

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any
comments, makes them and then we implement the plan.
MR. KAPLAN: May I have this document marked next in order, please.
(Deposition Exhibit 286 was marked for identification.)
BY MR. KAPLAN:
Q. Sir, let me hand you what has been identified as Exhibit 286. There are a lot of pages in that document. If you can take a moment, please, and scan through it, and then let me know what those pages are.
A. These are the media plans for 1998 for the Asian market.
Q. Were those the approved media plans?
A. I believe so.
Q. Did Imada Wong follow those media plans?
A. I believe so.
Q. Do you have any reason to doubt that Imada Wong followed those media plans in 1998?
A. Unless the client asked us to pull media, which I don't believe -- I don't believe so.

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Q. If we can just utilize the first page of Exhibit 286, which has Bates stamp IW2 00508 as an exemplar, can you take me through how you go about reading this chart.
A. First of all, it's broken down through ethnicity.
Q. And that's on the left-hand margin of the page?
A. Yes. And then it's broken down by -- in the Chinese by language and then it talks about the TV stations that we buy media from.
Q. In each of the languages?
A. Yes.
Q. Then along the top of the page are the various weeks of the year?
A. Yes.
Q. If Imada Wong bought time in a particular week on a particular station, the grid representing

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the station and the date is blackened?
A. Yes.
Q. So, for example, on the week of February 9 of 1998, Imada Wong purchased time on all of the television stations identified on the left margin of the page.
A. Yes.
Q. And that purchase was to run the media campaign which was being worked on for the state at that time.

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A. Yes.
Q. Are you able to tell which particular media campaign was being run at that time?
A. I can make an estimate.
Q. What do you believe that was?
A. What do you mean?
Q. Which media campaign do you believe was being run the week of February 9, 1998 on these stations?
A. Here we are running the ETS campaign.
Q. And you can tell that because in the column in roughly the middle of the page it indicates that the spots being run were Puppet Show and Trip?
A. Yes.
Q. And the Trip is an ETS campaign?
A. Yes.
Q. Was Puppet Show an ETS campaign?
A. No.
Q. Puppet Show was a smoking cessation campaign?
A. No.
Q. What was Puppet Show?
A. It's not related to ETS.
Q. Am I correct that one reads the remainder of the charts in Exhibit 286 in the same fashion that you have just described?
A. Roughly, yes.
MR. KAPLAN: May I have these two documents

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marked, please.
(Deposition Exhibits 287 and 288 were marked for identification.)
BY MR. KAPLAN:

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Q. Sir, let me hand you what has been identified as Exhibit 287. Can you describe for me what document 287 is?
A. This is the 1998 market strategy recommendation for the California Department of Health Services. It talks about demographics of our market and the growth in our market. Some projections we made in terms of growth. We talk about our target audience. We talk about some insights. We have some smoking prevalence data from the World Health Organization that we shared with our client and some findings from our focus group. It talks about a recommendation for doing secondhand smoke in the home as well as public awareness.
Q. Imada Wong's proposed target audience changed between the time when you first joined the company and the present with respect to its campaign related to environmental tobacco smoke?
A. Slightly. We wanted to be targeting more of the first generation, the newly arrived, focus more on that market. So from 20 we reduced it to 15 years. In the beginning we said 20 years or less. Now it's 15 years or less.
Q. Other than changing the focus of your

target group from those Asians who have come into the United States in the last 20 years to now the last 15 years, were there any other changes?
A. No.
Q. In 1998 what were Imada Wong's recommendations to the state regarding campaigns related to ETS and the home?
A. Our recommendation was to continue to build awareness of the dangers of secondhand smoke in the family.
Q. Can you look at Exhibit 288 and tell me what that is.
A. This is our media recommendation, overview

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of the demographics, and talk about why we selected certain media and there is a media plan -- a recommended media plan at the end.

Q. For what year?

A. This plan was written in 1997, but for 1998.

Q. And Exhibit 287 was a media plan written in 98 to implement in 1999?

A. This wasn't a media plan. This is a marketing plan recommendation.

Q. What is the difference between a media plan and a marketing plan?

A. This was talking about strategy in terms of our overall advertising.

Q. You are referring to 287?

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A. Yes. And then 288 is the media selection, why we are choosing certain mediums.

Q. What were your decisions regarding the recommended media plan as described in Exhibit 288 for environmental tobacco smoke?

A. Can you repeat your question?

Q. Sure. You had indicated a little bit earlier when explaining to me what Exhibit 288 was that it was a media plan that included the recommended recommendations --

A. Sure.

Q. -- for the media plan and selection for calendar year 1998. And my question is, what were your recommendations for the 1998 media plans as related to ETS?

A. Our recommendation was to focus on public awareness in 1998.

Q. Focus on public awareness of what?

A. Smoking in public, in crowded areas, enclosed areas.

Q. What message were you attempting to convey to people about smoking in crowded and enclosed areas?

A. Actually, this also includes Trip. Sorry. Our recommendation or the plan for 1998 was to focus on public awareness. This was a media plan

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that
26 addressed public awareness, so meaning smoking
in
27 public.
28 Q. What message were you trying to
convey to

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1 people regarding smoking in public?
2 A. That secondhand smoke is
dangerous, not
3 just in the family environment, but in the
public
4 areas where you are not supposed to smoke.
5 Q. Were you attempting to identify
any
6 specific dangers from ETS in your 1998
campaign?
7 A. I don't understand your question.
8 Q. We discussed earlier your belief
that
9 environmental tobacco smoke could cause a
number of
10 different health effects including cancer,
asthma and
11 SIDS and a number of other things. Did your
proposal
12 for the 1998 campaign address dissemination of
13 information regarding the fact that ETS is
dangerous,
14 and I put that in quotation marks, versus
identifying
15 the individual health consequences of
environmental
16 tobacco smoke?
17 A. I think some of our ads included
18 information about the other dangers. I am not
quite
19 sure. I can't recall the specific scripts.
20 Q. As you sit here today, can you
identify
21 what the individual health consequences were
which you
22 were warning of in the 1998 media campaign?
23 A. I can't be specific.
24 Q. What was done to confirm the
accuracy of
25 any information contained in any of the Imada
Wong
26 advertisements regarding ETS and its health
27 consequences?
28 MR. BROOKEY: I object that's overly
broad.

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1 Compound, but he can answer.
2 THE WITNESS: We were -- we had fact
sheets
3 from the California Department of Health
Services.
4 They were substantiated and then the
information was
5 sent to a lawyer to review, Asher's lawyer. I

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believe
it's O'Melveny & Myers. And they would confirm our
source and so forth.
BY MR. KAPLAN:
Q. Did Imada Wong ever prepare any advertisements regarding environmental tobacco smoke
which were ultimately rejected by the State of California?
A. What do you mean?
Q. Did Imada Wong ever prepare an advertisement which in finished form the state decided
should not be run?
A. No. Sorry.
MR. BROOKEY: I want to make sure we are still
talking about ETS advertisements.
BY MR. KAPLAN:
Q. Did Imada Wong ever pitch any ideas to the
state which the state rejected because they felt the
issue was too controversial? Related to ETS.
MR. BROOKEY: Obviously calls for speculation,
but he can answer if he knows.
THE WITNESS: No.
BY MR. KAPLAN:
Q. Has Imada Wong generated any

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advertisements with funds from the recent Proposition
10?
A. Can you be more specific?
Q. Yes. Are you familiar with Prop 10?
A. Yes.
Q. You understand Prop 10 was an initiative
which added a tax to cigarettes and the initiative was
sponsored by Rob Reiner, among other people?
A. Yes.
Q. Is it your understanding that some of the
funds gathered with that proposition and that tax on
cigarettes is used to disseminate information
regarding the impact of cigarette smoking on
children's health?
MR. BROOKEY: I'm sorry, can I have that
question back.
(The record was read as follows:

"Is it your understanding that some
of the funds gathered with that
proposition and that tax on cigarettes is

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used to disseminate information regarding the impact of cigarette smoking on children's health?")
MR. BROOKEY: I will object as lacking foundation and calling for speculation, but he can answer as to his understanding.
THE WITNESS: I don't understand your question.
BY MR. KAPLAN:

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Q. You understand that Prop 10 increased the tax on cigarettes. Correct?
A. Yes.
Q. And you understand that the money collected from that tax is to be used for something. Correct?
A. Yes.
Q. Is it your understanding that some of that money is to be used to disseminate information regarding the impact cigarettes have on children's health?
A. Yes.
Q. To your knowledge has Imada Wong received any funds gathered through Prop 10 for any of its advertising efforts?
A. I'm not sure.
Q. Who would know that?
THE WITNESS: Is there a way I can consult with you?
MR. KAPLAN: Sure. Why don't we take a break.
(Recess taken.)
BY MR. KAPLAN:
Q. Mr. Choi, there was a question pending when we took that break. Can you answer it for me?
A. The answer is no.
Q. I think you had indicated earlier in your deposition that Imada Wong first started receiving funds in roughly October of 1999 from the American

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Legacy Foundation.
A. Yes.
Q. Roughly how much money is Imada Wong receiving presently from the American Legacy Foundation?
MR. BROOKEY: I need to object on

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confidentiality grounds. It's my understanding that Imada Wong signed a confidentiality agreement with the American Legacy Foundation. And it really isn't in a position to violate that today.

BY MR. KAPLAN:

Q. Is it your understanding what Mr. Brookey has just indicated is correct, that Imada Wong has in fact entered into a confidentiality agreement with the American Legacy Foundation?

A. Yes.

Q. What is your understanding of the terms of that confidentiality agreement?

A. I can't talk about what they are doing and the programs that we are doing for them.

Q. Are you allowed to tell me whether or not any of the programs that you are working on for them address ETS?

A. Am I allowed to? I don't know.

MR. BROOKEY: I think on the side of caution, we should not respond to specific questions about the work that is going to be done. Since this is basically a tobacco group, I think you probably have

better access to this information than anyone else. We really aren't going to risk breaching this agreement through deposition testimony.

MR. KAPLAN: Yes. I understand your point. I am not certain I agree we have access to it since American Legacy is not something we have any control over.

Q. To your understanding is there a written confidentiality agreement, something that Imada Wong signed?

A. Yes.

MR. KAPLAN: Brian, can I get a copy of it?

MR. BROOKEY: I'm not sure you can. I will take a look at it and let you know.

BY MR. KAPLAN:

Q. I understand there is a confidentiality agreement. It is not my desire to have you

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breach it
and get your company in trouble. For that reason, I will not ask you questions about what is going on with Imada Wong as it relates to the American Legacy Foundation. I do, however, want to reserve my rights to be able to talk to you about it later if after exploring the bounds of the confidentiality agreement we can either come to an agreement that it does not apply to the questions I would ask or that we find a way to work around it where we don't get you to violate it.
And what I will agree to do is work with

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your lawyer to come up with a way to see if we can resolve the issue and then my guess is your lawyer will get back in touch with you about it. But I am not going to -- I won't make you breach that at this time. There is no reason to do that.
Can I get these documents marked next in order, please.
(Deposition Exhibit 289 was marked for identification.)
BY MR. KAPLAN:
Q. Sir, can you take a moment and look at Exhibit 289 and tell me what that is.
A. These were the outdoor locations that we recommended -- actually, we, I believe, bought for the year 1995, I believe.
Q. So it's your understanding that the locations identified on Exhibit 289 are locations where Imada Wong advertisements regarding environmental tobacco smoke were placed?
A. Possibly.
Q. You say possibly. I don't understand the response.
A. There might be certain locations that we decided may not be a right place to advertise so that's why I say possibly.

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Q. Let me hand you what is being marked as Exhibit 290.

(Deposition Exhibit 290 was marked

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for identification.)

BY MR. KAPLAN:

Q. Sir, can you tell me what Exhibit 290 is.

A. These are recommended areas for outdoor placement, I believe, for eight sheets.

Q. What are eight sheets?

A. They are a -- it's a dimension for an outdoor board. I don't have the exact dimension.

Q. Were Imada Wong posters regarding environmental tobacco smoke placed at those locations?

A. I believe so. Or they were recommended, so we don't know if they were able to purchase these necessarily. They might have been bought out.

Q. Does Imada Wong have any documents which would indicate where posters were successfully placed?

MR. BROOKEY: I will object vague and ambiguous as to the term "successfully," but he can answer.

THE WITNESS: I don't know.

BY MR. KAPLAN:

Q. Sir, let me hand you another group of documents. I think these probably should be added to Exhibit 281.

Sir, do you recall what Exhibit 281 was, the insertion of broadcast orders?

A. Yeah. Weekly broadcast orders.

Q. Let me hand you another stack of documents that are Bates labeled IW2 00124 through 00334. Could you tell me whether or not those are additional

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broadcast and insertion orders of the type that we previously discussed.

A. These were the broadcast orders to 1998.

Q. As broadcast orders and insertion orders they contain the same types of information that we

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previously discussed when talking about Exhibit 281?
A. Yes.
MR. KAPLAN: Let me have these marked as a new exhibit number.
(Deposition Exhibit 291 was marked for identification.)
BY MR. KAPLAN:
Q. Sir, the documents we were just talking about have now been marked as Exhibit 291. Those are the broadcast and insertion orders for which year?
A. For 1998.
Q. Sir, what are bonus runs?
A. Bonus runs are free media that we get as bonus.
Q. Why do you get free media?
A. We have asked them to. We have asked the media to give us some bonuses. We requested that.
Q. Is that something which is common in the advertising industry?
A. I can't speak for the other industry, but our agency does.
MR. KAPLAN: Can I have this document marked as Exhibit 292, please.

(Deposition Exhibit 292 was marked for identification.)
BY MR. KAPLAN:
Q. Can you take a moment and look at Exhibit 292 and tell me what that document is.
A. This was the additional bonus media we were able to get between 1994 and 1995 for TV, outdoor, print.
Q. If I understand what you have said correctly, if Imada Wong places a hundred advertisements in a newspaper they may in some circumstances be able to convince that newspaper to give them some number of additional ads free of charge.
A. Yes.
Q. Does Exhibit 292 reflect the number of the dollar value of free advertising which Imada Wong received for environmental tobacco smoke media?

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A. I believe so.
MR. KAPLAN: Can I have these documents marked as Exhibit 293.
(Deposition Exhibit 293 was marked for identification.)
BY MR. KAPLAN:
Q. Mr. Choi, can you take just a few moments and review Exhibit 293 and tell me what that document is.
A. I believe this document is the dollars we

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spent in each of the languages in 95. In 95 for the various months.
Q. Is it your understanding that that document accurately reflected the dollars spent by Imada Wong for each of the various months for advertising regarding environmental tobacco smoke in each of the identified languages?
A. I believe so.
Q. Did Imada Wong utilize any subcontractors for preparation of any advertisements or placement of any advertisements regarding environmental tobacco smoke?
A. Subcontractor. What do you mean?
Q. For example, Imada Wong was a subcontractor to Asher & Partners. Correct?
A. Um-hum.
Q. Did Imada Wong utilize any subcontractors for itself?
A. We work with vendors to produce things.
Q. Other than companies which may have done color copying of ads or --
A. What do you mean?
Q. For example, did Imada Wong subcontract out any of the creative services for any of the ETS campaign?
A. I don't understand --
MR. BROOKEY: I think this whole line of questioning is vague and ambiguous because -- are you

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talking about something other than vendors, in other words, production crews and actors and people

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like
that? If you could explain exactly what you are getting at, I think you will have an easier time.

MR. KAPLAN: Sure.

Q. My question is not designed at people who printed the ads, photocopied the ads, the actors that performed in them, the videographers. I am more interested in the people who were involved in the creative process of the designing of the campaign. Did Imada Wong subcontract out any of the creative work for the ETS campaign?

A. We work with two freelance copy writers for the very first campaign. Other than that, we have not.

Q. Were those the two gentlemen you identified earlier in your deposition?

A. Yes.

Q. Why was Imada Wong chosen by Asher as the subcontractor for the Asian portion of the ETS campaign?

MR. BROOKEY: Objection. Lacks foundation. Calls for speculation. He can answer if he knows.

THE WITNESS: Based on our experience in doing marketing in the Asian market.

BY MR. KAPLAN:

Q. With whom were you in competition for the subcontract?

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A. I can't recall.

Q. Do you recall that there was somebody --

A. Yes.

Q. -- competing against you?

A. Yes.

Q. Do you recall whether there was more than one company competing against Imada Wong for the subcontract with Asher & Partners?

A. I believe so, but I'm not sure who they were.

Q. Does Imada Wong have to rebid its work periodically to Asher & Partners?

A. No.

Q. Do you have an understanding as to

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why
that is?
A. We work as a consortium or a team.
Q. Let me change gears on you, sir, and let's
talk about some of the focus group information.
MR. KAPLAN: Can I have these documents marked
next in order.
(Deposition Exhibits 294 to 299
were marked for identification.)
MR. BROOKEY: I just need to interpose an
objection to the marking of these documents as
exhibits. It appears we have some more redaction
problems and there is some proprietary, nonresponsive
sections of these documents that were supposed to have
been redacted and there were instructions to that

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regard and -- in that regard and unfortunately, they
were not, so what I request would be if we could
submit properly redacted versions of these later to
substitute for these marked exhibits.
MR. KAPLAN: Let's go off the record for a
second.
(Discussion off the record.)
MR. KAPLAN: Off the record counsel and
Mr. Choi have had a conversation. It appears as if
when Imada Wong produced to the defendants the
exhibits which are now labeled 294 through 299, there
was information which was to have been redacted from
some of these documents which was not redacted.
Although the documents that were produced did have
some redaction, it did appear as if they were not
completely redacted as they were supposed to have
been.
We have reached an agreement off the
record that the court reporter will take with her
Exhibits 294 through 299. We will make a set of
copies for Mr. Brookey before they leave this
office. He will utilize those copies to make the
appropriate redactions and will forward the

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appropriately redacted copies to the court reporter's office.

The court reporter will then confirm that each exhibit still has the correct number of pages and will then substitute the new documents

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being provided by Mr. Brookey with the ones that are being attached to the transcript, returning the documents, which we are right now attaching, to Mr. Brookey's office.

Is that correct?

MR. BROOKEY: Yes. That's correct. We also didn't mention this off the record, but I also would request, Mr. Kaplan, that we -- when we provide the properly redacted version, you will send us your improperly redacted versions and we will substitute as between us and you in addition to with the court reporter.

MR. KAPLAN: That's fine. I have made one copy set of the Imada Wong documents which do now include the improperly redacted ones and yes, I will send you those when you send me the new ones.

MR. BROOKEY: Okay. Great.

BY MR. KAPLAN:

Q. That being said, Mr. Choi, can you please review Exhibits 294 through 299 and taking them one at a time, can you tell me what those documents are.

Let's start with Exhibit 294. What is that document?

A. This is a focus -- 294 is a focus group report that we did with the Chinese and Korean market. This particular one is about the Chinese market qualitative study that we did in Los Angeles, I believe in 1997. Right after our baby campaign

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finished.

Q. The Baby in Playpen campaign?

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A. Yes.
Q. What is Exhibit 295?
A. These are the transcripts from the focus group.
Q. Were the focus group sessions transcribed verbatim?
A. What do you mean by verbatim?
Q. Word for word.
A. Not word for word, but it was closely matched.
Q. Were the focus group sessions recorded?
A. Yes.
Q. By video, audio or both?
A. Audio.
Q. Does Imada Wong still have the audio tapes?
A. No.
Q. Were the focus groups that are identified in Exhibits 294 and 295 performed in Chinese?
A. Yes.
Q. Mandarin or Cantonese?
A. Mandarin.
Q. The transcripts were then made by a translator?
A. I believe so.
Q. What is Exhibit 296?

A. This was an executive summary for the Korean market, qualitative study that we did in 1997.
Q. What is Exhibit 297?
A. It's a transcript from that focus group study.
Q. And that focus group was conducted in Korean?
A. Yes.
Q. What is Exhibit 298?
A. This was the moderator guide that we used to test -- to ask questions and test concepts.
Q. What is Exhibit 299?
A. This was the screener that we used to select our focus group participant.
Q. And the screener -- the screening was done by telephone?
A. Yes.
Q. Why did Imada Wong conduct the focus group sessions which are identified in Exhibits 294 through

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299?
A. We wanted to get a pulse on the market to see where awareness level was and to test new concepts.
Q. Let me turn your attention in Exhibit 294 to the page identified IW2 00604.
A. Okay.
Q. Do you have that page in front of you?
A. Yes.

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Q. If you note on that page under the topic "secondhand smoke," it says, "All of the participants considered secondhand smoke to be dangerous and a health hazard."
Do you see that?
A. Yes.
Q. Was that attitude held by the participants at the commencement of your focus group?
MR. BROOKEY: Objection. Calls for speculation. He can answer.
THE WITNESS: Say that again.
BY MR. KAPLAN:
Q. Sure. That statement regarding the fact that all participants knew the dangers and health hazards of secondhand smoke, was that a belief held by the participants at the start of the focus group session?
A. I don't quite understand your question. We --
Q. The focus group was performed.
A. Right.
Q. And am I correct that at the beginning of the focus group you asked people's opinions regarding certain topics, one of them being secondhand smoke?
A. Right.
Q. And am I correct that during the course of the focus group you showed these people various advertisements regarding secondhand smoke?

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A. Right.
Q. In Exhibit 294, there is a statement regarding --
A. Yes.

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Q. -- the knowledge of the participants.
A. Correct.
Q. I am trying to figure out whether that is knowledge the participants had when they came to your focus group or knowledge they had because they attended your focus group.
A. This was knowledge that they shared with us during the focus group.
Q. Was that knowledge that was shared before they started to see the media plans?
A. Yes.
Q. So am I correct that that is knowledge they brought with them to the focus group?
A. Yes.
Q. And that's knowledge they had without the need for information being provided to them by Imada Wong.
A. Yes.
Q. Sir, let me now show you in Exhibit 295 the page that's Bates stamped IW2 00625. Particularly I am directing your attention to the second section marked "secondhand smoke." Could you take just a moment and read through what appears be a question and answer.

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A. Yes.
Q. Do you see that?
A. Yes, I do.
Q. The question and answer begins with a number -- either a number or the letter M. Do you see that?
A. Yes.
Q. Does the number correspond to a particular person in the focus group?
A. Yes.
Q. And the M stands for moderator?
A. Yes.
Q. Is this a transcript of a conversation between some of the focus group participants and the moderator?
A. Yes.
Q. In this focus group, did the participants indicate to the moderator their belief that

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secondhand
smoke is dangerous?
A. Yes.
Q. Was that an opinion held by the participants of the focus group before they were shown any of the Imada Wong advertisements?
MR. BROOKEY: Objection. Calls for speculation. Asked and answered. He can answer it again.
THE WITNESS: Can you repeat the question?
BY MR. KAPLAN:

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Q. The opinion that secondhand smoke is dangerous, was that an opinion held by the focus group participants before they saw any of the Imada Wong advertisements?
A. Yes.
Q. Let me completely change gears on you. You indicated that Imada Wong also has a public relations side to it now? As distinct from the advertising.
A. Yes.
Q. What does the public relations side of Imada Wong do?
A. They handle community relations, media relations, press release, press conferences, things of those nature.
Q. When you say community relations, what kinds of things does that entail?
A. Pertaining to the California Department of Health Services work, we work with the network that I mentioned earlier, APATN.
Q. Other than working with APATN, is there anything else involved in community relations from the PR side of Imada Wong?
A. I don't know the specifics of it. But I believe the PR side works with certain community groups.
Q. To do what as it relates to --
A. I am not too sure the specifics of what

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they do.
Q. Do you know what the Imada Wong public relations side does regarding its media relations regarding environmental tobacco smoke?
A. We send out press releases to the media. That's the extent of my knowledge.
Q. Has Imada Wong sent out press releases to the media regarding environmental tobacco smoke?
A. I believe so.
MR. KAPLAN: Am I correct those were not part of the documents produced because that came from the public relations side?
MR. BROOKEY: That's correct.
BY MR. KAPLAN:
Q. To your knowledge has Imada Wong held press conferences that have addressed environmental tobacco smoke?
A. Yes.
Q. Are there documents regarding those to your knowledge?
A. I don't know.
MR. KAPLAN: Since you have indicated he's not the person most knowledgeable on public relations, I am not going to go through questions and have him speculate as to what the answers will be. Let me review the transcript and take a look at the documents once they come in and determine whether or not we want another deponent or not or if the documents will give

us what we need.
MR. BROOKEY: That's fine. As we discussed last week, we have someone identified who can do that if you decide you want to take a deposition on the public relations end.
MR. KAPLAN: Okay.
THE WITNESS: Can I take a short restroom break?
MR. KAPLAN: Sure.
(Recess taken.)
MR. KAPLAN: While we were off the record, we

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had a number of different conversations.
One of them dealt with the videotape and the audiotape. Imada Wong has produced pursuant to the subpoena a videotape and an audiotape. We have some difficulties with the videotape and the copy I have with me at the deposition does not have sound, although it has video.
What we have agreed off the record is that Imada Wong will produce through Mr. Brookey a copy of the videotape which includes clips of Baby in Playpen in all languages, Trip in all languages, and Take It Outside and the parties will stipulate that the videotape that they produce is a true and accurate copy of the television spots created by Imada Wong.
Is that correct?
MR. BROOKEY: Yes. We will do that.

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MR. KAPLAN: Then we have also agreed that Imada Wong produced a cassette tape that had two spots on it; one called Baby in Playpen and the other called Crowded Room. And they will produce also a copy along with the declaration indicating that they are true and accurate copies of the radio spots generated by Imada Wong.
Correct?
MR. BROOKEY: That's correct.
MR. KAPLAN: I don't have much left in the deposition. I do have a couple of things.
Q. Now that we look at the cassette tape which indicates a radio clip called Crowded Room, can I ask you, do you recall Imada Wong generating a radio clip called Crowded Room?
A. Yes.
Q. Have we talked about that clip yet today?
A. No.
Q. When was the Crowded Room radio commercial prepared?

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A. I believe it was 1998.
Q. What is the nature of the Crowded Room radio spot?
A. It's a public awareness commercial, radio commercial, that says smoking in public places is harmful to others. That's the gist of it.
Q. Does the commercial indicate what the specific harm is which will occur from smoking in

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public places?
A. I can't recall.
Q. Did the Crowded Room radio spot air?
A. Yes.
Q. For roughly how long did it air?
A. About a year.
Q. Do you recall how much money Imada Wong received for the production of the Crowded Room spot?
A. No. I don't recall the specifics.
Q. Has Imada Wong received money to create environmental tobacco smoke advertisements other than from Prop 99 sources and American Legacy?
A. No.
Q. Does Imada Wong provide reports to the Department of Health Services Tobacco Control Section regarding the work that it's doing on the Prop 99 funded media campaign?
A. No.
Q. Is there any system in place of which you are aware whereby Imada Wong lets the state know what it's doing?
A. Can you rephrase that?
Q. Sure. Through Asher & Partners Imada Wong is getting Prop 99 funds. Correct?
A. Um-hum.
Q. And the State of California's Tobacco Control Section has some input regarding the contents of the advertisements Imada Wong is disseminating.

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Correct?
A. Yes.
Q. Is there any system in place whereby Imada

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Wong keeps the state posted as to what it's doing?
A. We just update each other on the phone.
Q. To your knowledge are those updates ever committed to writing?
A. No.
MR. KAPLAN: I don't think I have anything else.
MS. MARTIN: I just have something to put on the record and that is for Mr. Brookey. This is notice that we will go in Monday, May 15, ex parte to compel the production of Kip Jones. We invite you to meet and confer on that, if you have a date for him. As you know, the judge said at the last status conference he was to be produced as soon as possible and I received your letter on May 4 he was not going to be produced.
So I invite you to meet and confer on that with me or with Don Miles.
MR. BROOKEY: I don't know it was appropriate or necessary to put that on the record.
MS. MARTIN: I need to give you notice today.
MR. BROOKEY: Don already left me a voice mail on that.
MS. MARTIN: Did he?
MR. BROOKEY: That's fine.

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MR. KAPLAN: Let's go off the record.
(Discussion off the record.)
MR. KAPLAN: Off the record we have had a conversation regarding handling of the transcript. What we agreed is the original of the transcript will be sent to Mr. Brookey for review by Mr. Choi.
Mr. Choi, as indicated at the beginning of the deposition you will have the opportunity to review the transcript and make corrections to the transcript. You have 30 days to do that from the time Mr. Brookey gets a copy of the transcript and he, I am certain, will contact you to tell you

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that.
After Mr. Choi has had the opportunity to review the transcript, the original and his corrections will be provided by Mr. Brookey back to the court reporter and then the original will be sent to me. In the event Mr. Choi does not make any corrections in the transcript or chooses not to review the transcript, the parties have agreed that a copy of the transcript unsigned can be used in lieu of the original.

Is that correct?

MR. BROOKEY: That's correct.

MR. KAPLAN: Thank you very much.

(At the hour of 2:55 P.M., the deposition was adjourned.)

DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof, and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under the penalties of perjury of the State of California that the foregoing is true and correct.

Executed this _____ day of _____, 2000, at _____, California.

_____

W I T N E S S

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I, JARDENE L. PLATT, RPR, CSR No. 3724 in and for the State of California, do hereby certify:

That prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify as to the truth, the whole truth, and nothing but the truth;

That said deposition was taken before me at the time and place therein set forth and was taken down by me stenographically and thereafter transcribed via computer-aided transcription under my direction;

I further certify that I am neither counsel for, nor related to, any party to said action, nor interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 16th day of May, 2000.

_____

JARDENE L. PLATT, RPR, CSR No. 3724

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